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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/30/2018	.	
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The Committee on Health Policy (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

(3) "Advanced practice registered nurse" ~~"Advanced~~



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11 ~~registered nurse practitioner~~" means any person licensed in this
12 state to practice professional nursing and who is licensed
13 ~~certified in an advanced or specialized~~ nursing practice,
14 including certified nurse midwives, certified nurse
15 practitioners, certified registered nurse anesthetists, clinical
16 nurse specialists ~~certified nurse midwives, and psychiatric~~
17 nurses nurse practitioners.

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

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

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

27 ~~(b) Diagnose human responses to actual or potential health~~
28 ~~problems.~~

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

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

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

39 Section 2. Section 464.0115, Florida Statutes, is repealed.



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40 Section 3. Section 464.012, Florida Statutes, as amended by
41 section 3 of chapter 2017-134, Laws of Florida, is amended to
42 read:

43 464.012 Licensure Certification of advanced practice
44 registered nurses ~~advanced registered nurse practitioners~~; fees;
45 controlled substance prescribing.—

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

54 (a) Certification by an appropriate specialty board. Such
55 certification is ~~shall be~~ required for initial state licensure
56 ~~certification~~ and any licensure renewal ~~recertification~~ as a
57 certified nurse midwife, certified nurse practitioner, certified
58 registered nurse anesthetist, clinical nurse specialist, or
59 psychiatric nurse, ~~or nurse midwife~~. The board may by rule
60 provide for provisional state licensure ~~certification~~ of
61 graduate certified registered nurse anesthetists, clinical nurse
62 specialists, certified nurse practitioners, psychiatric nurses,
63 and certified nurse midwives for a period of time determined to
64 be appropriate for preparing for and passing the national
65 certification examination.

66 (b) Graduation from a program leading to a master's degree
67 in a nursing clinical specialty area with preparation in
68 specialized practitioner skills. For applicants graduating on or



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69 after October 1, 1998, graduation from a master's degree program
70 is shall be required for initial licensure certification as a
71 certified nurse practitioner under paragraph (4) (a) ~~(4) (e)~~.

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

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

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

85 (2) (a) The board shall provide by rule the appropriate
86 requirements for advanced practice registered nurses for
87 advanced registered nurse practitioners in the advanced nursing
88 practices categories of certified nurse midwives, certified
89 nurse practitioners, certified registered nurse anesthetists
90 anesthetist, clinical certified nurse specialists midwife, and
91 psychiatric nurses nurse practitioner.

92 (3) An advanced practice registered nurse advanced
93 registered nurse practitioner shall perform those functions
94 authorized in this section within the framework of an
95 established protocol that which must be maintained on site at
96 the location or locations at which an advanced practice
97 registered nurse advanced registered nurse practitioner



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98 practices. In the case of multiple supervising physicians in the
99 same group, an advanced practice registered nurse ~~advanced~~
100 ~~registered nurse practitioner~~ must enter into a supervisory
101 protocol with at least one physician within the physician group
102 practice. A practitioner currently licensed under chapter 458,
103 chapter 459, or chapter 466 shall maintain supervision for
104 directing the specific course of medical treatment. Within the
105 established framework, an advanced practice registered nurse
106 ~~advanced registered nurse practitioner~~ may:

107 (a) Prescribe, dispense, administer, or order any drug;
108 however, an advanced practice registered nurse ~~advanced~~
109 ~~registered nurse practitioner~~ may prescribe or dispense a
110 controlled substance as defined in s. 893.03 only if the
111 advanced practice registered nurse ~~advanced registered nurse~~
112 ~~practitioner~~ has graduated from a program leading to a master's
113 or doctoral degree in a clinical nursing specialty area with
114 training in specialized practitioner skills.

115 (b) Initiate appropriate therapies for certain conditions.

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

118 (d) Order diagnostic tests and physical and occupational
119 therapy.

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

123 (4) In addition to the general functions specified in
124 subsection (3), an advanced practice registered nurse ~~advanced~~
125 ~~registered nurse practitioner~~ may perform the following acts
126 within his or her specialty:



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127 (a) The certified nurse practitioner may perform any or all
128 of the following acts within the framework of established
129 protocol:

- 130 1. Manage selected medical problems.
131 2. Order physical and occupational therapy.
132 3. Initiate, monitor, or alter therapies for certain
133 uncomplicated acute illnesses.
134 4. Monitor and manage patients with stable chronic
135 diseases.
136 5. Establish behavioral problems and diagnosis and make
137 treatment recommendations.

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

- 142 1. Determine the health status of the patient as it relates
143 to the risk factors and to the anesthetic management of the
144 patient through the performance of the general functions.
145 2. Based on history, physical assessment, and supplemental
146 laboratory results, determine, with the consent of the
147 responsible physician, the appropriate type of anesthesia within
148 the framework of the protocol.
149 3. Order under the protocol preanesthetic medication.
150 4. Perform under the protocol procedures commonly used to
151 render the patient insensible to pain during the performance of
152 surgical, obstetrical, therapeutic, or diagnostic clinical
153 procedures. These procedures include ordering and administering
154 regional, spinal, and general anesthesia; inhalation agents and
155 techniques; intravenous agents and techniques; and techniques of



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156 hypnosis.

157 5. Order or perform monitoring procedures indicated as
158 pertinent to the anesthetic health care management of the
159 patient.

160 6. Support life functions during anesthesia health care,
161 including induction and intubation procedures, the use of
162 appropriate mechanical supportive devices, and the management of
163 fluid, electrolyte, and blood component balances.

164 7. Recognize and take appropriate corrective action for
165 abnormal patient responses to anesthesia, adjunctive medication,
166 or other forms of therapy.

167 8. Recognize and treat a cardiac arrhythmia while the
168 patient is under anesthetic care.

169 9. Participate in management of the patient while in the
170 postanesthesia recovery area, including ordering the
171 administration of fluids and drugs.

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

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

180 1. Perform superficial minor surgical procedures.

181 2. Manage the patient during labor and delivery to include
182 amniotomy, episiotomy, and repair.

183 3. Order, initiate, and perform appropriate anesthetic
184 procedures.



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- 185 4. Perform postpartum examination.
186 5. Order appropriate medications.
187 6. Provide family-planning services and well-woman care.
188 7. Manage the medical care of the normal obstetrical
189 patient and the initial care of a newborn patient.

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

- 192 ~~1. Manage selected medical problems.~~
193 ~~2. Order physical and occupational therapy.~~
194 ~~3. Initiate, monitor, or alter therapies for certain~~
195 ~~uncomplicated acute illnesses.~~
196 ~~4. Monitor and manage patients with stable chronic~~
197 ~~diseases.~~
198 ~~5. Establish behavioral problems and diagnosis and make~~
199 ~~treatment recommendations.~~

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

- 202 1. Assess the health status of individuals and families
203 using methods appropriate to the population and area of
204 practice.
205 2. Diagnose human responses to actual or potential health
206 problems.
207 3. Plan for health promotion, disease prevention, and
208 therapeutic intervention in collaboration with the patient or
209 client.
210 4. Implement therapeutic interventions based on the nurse
211 specialist's area of expertise and within the scope of advanced
212 nursing practice, including, but not limited to, direct nursing
213 care, counseling, teaching, and collaboration with other



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214 licensed health care providers.

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

217 (e)~~(5)~~ A psychiatric nurse, who meets the requirements in
218 s. 394.555(35) as defined in s. 394.455, within the framework of
219 an established protocol with a psychiatrist, may prescribe
220 psychotropic controlled substances for the treatment of mental
221 disorders.

222 (5)~~(6)~~ The board shall approve for licensure ~~certify~~, and
223 the department shall issue a license ~~certificate~~ to, any nurse
224 meeting the qualifications in this section. The board shall
225 establish an application fee not to exceed \$100 and a biennial
226 renewal fee not to exceed \$50. The board is authorized to adopt
227 such other rules as are necessary to implement the provisions of
228 this section.

229 (6)~~(7)~~(a) The board shall establish a committee to
230 recommend a formulary of controlled substances that an advanced
231 practice registered nurse ~~advanced registered nurse practitioner~~
232 may not prescribe or may prescribe only for specific uses or in
233 limited quantities. The committee must consist of three advanced
234 practice registered nurses ~~advanced registered nurse~~
235 ~~practitioners~~ licensed under this section, recommended by the
236 board; three physicians licensed under chapter 458 or chapter
237 459 who have work experience with advanced practice registered
238 nurses ~~advanced registered nurse practitioners~~, recommended by
239 the Board of Medicine; and a pharmacist licensed under chapter
240 465 who is a doctor of pharmacy, recommended by the Board of
241 Pharmacy. The committee may recommend an evidence-based
242 formulary applicable to all advanced practice registered nurses



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243 ~~advanced registered nurse practitioners~~ which is limited by
244 specialty certification, is limited to approved uses of
245 controlled substances, or is subject to other similar
246 restrictions the committee finds are necessary to protect the
247 health, safety, and welfare of the public. The formulary must
248 restrict the prescribing of psychiatric mental health controlled
249 substances for children younger than 18 years of age to advanced
250 practice registered nurses ~~advanced registered nurse~~
251 ~~practitioners~~ who also are psychiatric nurses as defined in s.
252 394.455. The formulary must also limit the prescribing of
253 Schedule II controlled substances as listed in s. 893.03 to a 7-
254 day supply, except that such restriction does not apply to
255 controlled substances that are psychiatric medications
256 prescribed by psychiatric nurses as defined in s. 394.455.

257 (b) The board shall adopt by rule the recommended formulary
258 and any revision to the formulary which it finds is supported by
259 evidence-based clinical findings presented by the Board of
260 Medicine, the Board of Osteopathic Medicine, or the Board of
261 Dentistry.

262 (c) The formulary required under this subsection does not
263 apply to a controlled substance that is dispensed for
264 administration pursuant to an order, including an order for
265 medication authorized by subparagraph (4) (b) 3., subparagraph
266 (4) (b) 4., or subparagraph (4) (b) 9 ~~subparagraph (4) (a) 3.,~~
267 ~~subparagraph (4) (a) 4., or subparagraph (4) (a) 9.~~

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

270 (7)(8) This section shall be known as "The Barbara Lumpkin
271 Prescribing Act."



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

274 960.28 Payment for victims' initial forensic physical
275 examinations.-

276 (2) The Crime Victims' Services Office of the department
277 shall pay for medical expenses connected with an initial
278 forensic physical examination of a victim of sexual battery as
279 defined in chapter 794 or a lewd or lascivious offense as
280 defined in chapter 800. Such payment shall be made regardless of
281 whether the victim is covered by health or disability insurance
282 and whether the victim participates in the criminal justice
283 system or cooperates with law enforcement. The payment shall be
284 made only out of moneys allocated to the Crime Victims' Services
285 Office for the purposes of this section, and the payment may not
286 exceed \$500 with respect to any violation. The department shall
287 develop and maintain separate protocols for the initial forensic
288 physical examination of adults and children. Payment under this
289 section is limited to medical expenses connected with the
290 initial forensic physical examination, and payment may be made
291 to a medical provider using an examiner qualified under part I
292 of chapter 464, excluding s. 464.003(14) ~~s. 464.003(16)~~; chapter
293 458; or chapter 459. Payment made to the medical provider by the
294 department shall be considered by the provider as payment in
295 full for the initial forensic physical examination associated
296 with the collection of evidence. The victim may not be required
297 to pay, directly or indirectly, the cost of an initial forensic
298 physical examination performed in accordance with this section.

299 Section 5. Paragraph (c) of subsection (5) and paragraph
300 (a) of subsection (6) of section 39.303, Florida Statutes, are



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301 amended to read:

302 39.303 Child protection teams and sexual abuse treatment
303 programs; services; eligible cases.—

304 (5) All abuse and neglect cases transmitted for
305 investigation to a circuit by the hotline must be simultaneously
306 transmitted to the child protection team for review. For the
307 purpose of determining whether a face-to-face medical evaluation
308 by a child protection team is necessary, all cases transmitted
309 to the child protection team which meet the criteria in
310 subsection (4) must be timely reviewed by:

311 (c) An advanced practice registered nurse ~~advanced~~
312 ~~registered nurse practitioner~~ licensed under chapter 464 who has
313 a specialty in pediatrics or family medicine and is a member of
314 a child protection team;

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

317 (a) The child was examined for the alleged abuse or neglect
318 by a physician who is not a member of the child protection team,
319 and a consultation between the child protection team medical
320 director or a child protection team board-certified
321 pediatrician, advanced practice registered nurse ~~advanced~~
322 ~~registered nurse practitioner~~, physician assistant working under
323 the supervision of a child protection team medical director or a
324 child protection team board-certified pediatrician, or
325 registered nurse working under the direct supervision of a child
326 protection team medical director or a child protection team
327 board-certified pediatrician, and the examining physician
328 concludes that a further medical evaluation is unnecessary;

329



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330 Notwithstanding paragraphs (a), (b), and (c), a child protection
331 team medical director or a child protection team pediatrician,
332 as authorized in subsection (5), may determine that a face-to-
333 face medical evaluation is necessary.

334 Section 6. Paragraph (b) of subsection (1) of section
335 39.304, Florida Statutes, is amended to read:

336 39.304 Photographs, medical examinations, X rays, and
337 medical treatment of abused, abandoned, or neglected child.—

338 (1)

339 (b) If the areas of trauma visible on a child indicate a
340 need for a medical examination, or if the child verbally
341 complains or otherwise exhibits distress as a result of injury
342 through suspected child abuse, abandonment, or neglect, or is
343 alleged to have been sexually abused, the person required to
344 investigate may cause the child to be referred for diagnosis to
345 a licensed physician or an emergency department in a hospital
346 without the consent of the child's parents or legal custodian.
347 Such examination may be performed by any licensed physician or
348 an advanced practice registered nurse ~~advanced registered nurse~~
349 ~~practitioner~~ licensed pursuant to part I of chapter 464. Any
350 licensed physician~~7~~ or advanced practice registered nurse
351 ~~advanced registered nurse practitioner~~ licensed pursuant to part
352 I of chapter 464~~7~~ who has reasonable cause to suspect that an
353 injury was the result of child abuse, abandonment, or neglect
354 may authorize a radiological examination to be performed on the
355 child without the consent of the child's parent or legal
356 custodian.

357 Section 7. Paragraph (a) of subsection (1) of section
358 90.503, Florida Statutes, is amended to read:



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359 90.503 Psychotherapist-patient privilege.-

360 (1) For purposes of this section:

361 (a) A "psychotherapist" is:

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

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

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

375 4. Treatment personnel of facilities licensed by the state
376 pursuant to chapter 394, chapter 395, or chapter 397, of
377 facilities designated by the Department of Children and Families
378 pursuant to chapter 394 as treatment facilities, or of
379 facilities defined as community mental health centers pursuant
380 to s. 394.907(1), who are engaged primarily in the diagnosis or
381 treatment of a mental or emotional condition, including
382 alcoholism and other drug addiction; or

383 5. An advanced practice registered nurse licensed ~~advanced~~
384 ~~registered nurse practitioner certified~~ under s. 464.012, whose
385 primary scope of practice is the diagnosis or treatment of
386 mental or emotional conditions, including chemical abuse, and
387 limited only to actions performed in accordance with part I of



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388 chapter 464.

389 Section 8. Paragraph (d) of subsection (2) of section
390 110.12315, Florida Statutes, is amended to read:

391 110.12315 Prescription drug program.—The state employees'
392 prescription drug program is established. This program shall be
393 administered by the Department of Management Services, according
394 to the terms and conditions of the plan as established by the
395 relevant provisions of the annual General Appropriations Act and
396 implementing legislation, subject to the following conditions:

397 (2) In providing for reimbursement of pharmacies for
398 prescription drugs and supplies dispensed to members of the
399 state group health insurance plan and their dependents under the
400 state employees' prescription drug program:

401 (d) The department shall establish the reimbursement
402 schedule for prescription drugs and supplies dispensed under the
403 program. Reimbursement rates for a prescription drug or supply
404 must be based on the cost of the generic equivalent drug or
405 supply if a generic equivalent exists, unless the physician,
406 advanced practice registered nurse ~~advanced registered nurse~~
407 ~~practitioner~~, or physician assistant prescribing the drug or
408 supply clearly states on the prescription that the brand name
409 drug or supply is medically necessary or that the drug or supply
410 is included on the formulary of drugs and supplies that may not
411 be interchanged as provided in chapter 465, in which case
412 reimbursement must be based on the cost of the brand name drug
413 or supply as specified in the reimbursement schedule adopted by
414 the department.

415 Section 9. Paragraph (f) of subsection (3) of section
416 121.0515, Florida Statutes, is amended to read:



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417 121.0515 Special Risk Class.—

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

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

- 425 1. Dietitian (class codes 5203 and 5204);
- 426 2. Public health nutrition consultant (class code 5224);
- 427 3. Psychological specialist (class codes 5230 and 5231);
- 428 4. Psychologist (class code 5234);
- 429 5. Senior psychologist (class codes 5237 and 5238);
- 430 6. Regional mental health consultant (class code 5240);
- 431 7. Psychological Services Director—DCF (class code 5242);
- 432 8. Pharmacist (class codes 5245 and 5246);
- 433 9. Senior pharmacist (class codes 5248 and 5249);
- 434 10. Dentist (class code 5266);
- 435 11. Senior dentist (class code 5269);
- 436 12. Registered nurse (class codes 5290 and 5291);
- 437 13. Senior registered nurse (class codes 5292 and 5293);
- 438 14. Registered nurse specialist (class codes 5294 and
439 5295);
- 440 15. Clinical associate (class codes 5298 and 5299);
- 441 16. Advanced practice registered nurse ~~Advanced registered~~
442 ~~nurse practitioner~~ (class codes 5297 and 5300);
- 443 17. Advanced practice registered nurse ~~Advanced registered~~
444 ~~nurse practitioner~~ specialist (class codes 5304 and 5305);
- 445 18. Registered nurse supervisor (class codes 5306 and



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446 5307);
447 19. Senior registered nurse supervisor (class codes 5308
448 and 5309);
449 20. Registered nursing consultant (class codes 5312 and
450 5313);
451 21. Quality management program supervisor (class code
452 5314);
453 22. Executive nursing director (class codes 5320 and 5321);
454 23. Speech and hearing therapist (class code 5406); or
455 24. Pharmacy manager (class code 5251);
456 Section 10. Paragraph (a) of subsection (3) of section
457 252.515, Florida Statutes, is amended to read:
458 252.515 Postdisaster Relief Assistance Act; immunity from
459 civil liability.—
460 (3) As used in this section, the term:
461 (a) "Emergency first responder" means:
462 1. A physician licensed under chapter 458.
463 2. An osteopathic physician licensed under chapter 459.
464 3. A chiropractic physician licensed under chapter 460.
465 4. A podiatric physician licensed under chapter 461.
466 5. A dentist licensed under chapter 466.
467 6. An advanced practice registered nurse licensed advanced
468 ~~registered nurse practitioner certified~~ under s. 464.012.
469 7. A physician assistant licensed under s. 458.347 or s.
470 459.022.
471 8. A worker employed by a public or private hospital in the
472 state.
473 9. A paramedic as defined in s. 401.23(17).
474 10. An emergency medical technician as defined in s.



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475 401.23(11).

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

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

478 13. A member of the Florida National Guard.

479 14. Any other personnel designated as emergency personnel
480 by the Governor pursuant to a declared emergency.

481 Section 11. Paragraph (c) of subsection (1) of section
482 310.071, Florida Statutes, is amended to read:

483 310.071 Deputy pilot certification.—

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

487 (c) Be in good physical and mental health, as evidenced by
488 documentary proof of having satisfactorily passed a complete
489 physical examination administered by a licensed physician within
490 the preceding 6 months. The board shall adopt rules to establish
491 requirements for passing the physical examination, which rules
492 shall establish minimum standards for the physical or mental
493 capabilities necessary to carry out the professional duties of a
494 certificated deputy pilot. Such standards shall include zero
495 tolerance for any controlled substance regulated under chapter
496 893 unless that individual is under the care of a physician, an
497 advanced practice registered nurse ~~advanced registered nurse~~
498 ~~practitioner~~, or a physician assistant and that controlled
499 substance was prescribed by that physician, advanced practice
500 registered nurse ~~advanced registered nurse practitioner~~, or
501 physician assistant. To maintain eligibility as a certificated
502 deputy pilot, each certificated deputy pilot must annually
503 provide documentary proof of having satisfactorily passed a



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504 complete physical examination administered by a licensed
505 physician. The physician must know the minimum standards and
506 certify that the certificateholder satisfactorily meets the
507 standards. The standards for certificateholders shall include a
508 drug test.

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

511 310.073 State pilot licensing.—In addition to meeting other
512 requirements specified in this chapter, each applicant for
513 license as a state pilot must:

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



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533 licensee satisfactorily meets the standards. The standards for
534 licensees shall include a drug test.

535 Section 13. Paragraph (b) of subsection (3) of section
536 310.081, Florida Statutes, is amended to read:

537 310.081 Department to examine and license state pilots and
538 certificate deputy pilots; vacancies.-

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

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



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562 licensee satisfactorily meets the standards. The standards for
563 certificateholders and for licensees shall include a drug test.

564
565 Upon resignation or in the case of disability permanently
566 affecting a pilot's ability to serve, the state license or
567 certificate issued under this chapter shall be revoked by the
568 department.

569 Section 14. Paragraph (b) of subsection (1) of section
570 320.0848, Florida Statutes, is amended to read:

571 320.0848 Persons who have disabilities; issuance of
572 disabled parking permits; temporary permits; permits for certain
573 providers of transportation services to persons who have
574 disabilities.—

575 (1)

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

580 a. Inability to walk without the use of or assistance from
581 a brace, cane, crutch, prosthetic device, or other assistive
582 device, or without the assistance of another person. If the
583 assistive device significantly restores the person's ability to
584 walk to the extent that the person can walk without severe
585 limitation, the person is not eligible for the exemption parking
586 permit.

587 b. The need to permanently use a wheelchair.

588 c. Restriction by lung disease to the extent that the
589 person's forced (respiratory) expiratory volume for 1 second,
590 when measured by spirometry, is less than 1 liter, or the



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591 person's arterial oxygen is less than 60 mm/hg on room air at
592 rest.

593 d. Use of portable oxygen.

594 e. Restriction by cardiac condition to the extent that the
595 person's functional limitations are classified in severity as
596 Class III or Class IV according to standards set by the American
597 Heart Association.

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

600 2. The certification of disability which is required under
601 subparagraph 1. must be provided by a physician licensed under
602 chapter 458, chapter 459, or chapter 460, by a podiatric
603 physician licensed under chapter 461, by an optometrist licensed
604 under chapter 463, by an advanced practice registered nurse
605 ~~advanced registered nurse practitioner~~ licensed under chapter
606 464 under the protocol of a licensed physician as stated in this
607 subparagraph, by a physician assistant licensed under chapter
608 458 or chapter 459, or by a similarly licensed physician from
609 another state if the application is accompanied by documentation
610 of the physician's licensure in the other state and a form
611 signed by the out-of-state physician verifying his or her
612 knowledge of this state's eligibility guidelines.

613 Section 15. Paragraph (c) of subsection (1) of section
614 381.00315, Florida Statutes, is amended to read:

615 381.00315 Public health advisories; public health
616 emergencies; isolation and quarantines.—The State Health Officer
617 is responsible for declaring public health emergencies, issuing
618 public health advisories, and ordering isolation or quarantines.

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



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620 (c) "Public health emergency" means any occurrence, or
621 threat thereof, whether natural or manmade, which results or may
622 result in substantial injury or harm to the public health from
623 infectious disease, chemical agents, nuclear agents, biological
624 toxins, or situations involving mass casualties or natural
625 disasters. Before declaring a public health emergency, the State
626 Health Officer shall, to the extent possible, consult with the
627 Governor and shall notify the Chief of Domestic Security. The
628 declaration of a public health emergency shall continue until
629 the State Health Officer finds that the threat or danger has
630 been dealt with to the extent that the emergency conditions no
631 longer exist and he or she terminates the declaration. However,
632 a declaration of a public health emergency may not continue for
633 longer than 60 days unless the Governor concurs in the renewal
634 of the declaration. The State Health Officer, upon declaration
635 of a public health emergency, may take actions that are
636 necessary to protect the public health. Such actions include,
637 but are not limited to:

638 1. Directing manufacturers of prescription drugs or over-
639 the-counter drugs who are permitted under chapter 499 and
640 wholesalers of prescription drugs located in this state who are
641 permitted under chapter 499 to give priority to the shipping of
642 specified drugs to pharmacies and health care providers within
643 geographic areas that have been identified by the State Health
644 Officer. The State Health Officer must identify the drugs to be
645 shipped. Manufacturers and wholesalers located in the state must
646 respond to the State Health Officer's priority shipping
647 directive before shipping the specified drugs.

648 2. Notwithstanding chapters 465 and 499 and rules adopted



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649 thereunder, directing pharmacists employed by the department to
650 compound bulk prescription drugs and provide these bulk
651 prescription drugs to physicians and nurses of county health
652 departments or any qualified person authorized by the State
653 Health Officer for administration to persons as part of a
654 prophylactic or treatment regimen.

655 3. Notwithstanding s. 456.036, temporarily reactivating the
656 inactive license of the following health care practitioners,
657 when such practitioners are needed to respond to the public
658 health emergency: physicians licensed under chapter 458 or
659 chapter 459; physician assistants licensed under chapter 458 or
660 chapter 459; licensed practical nurses, registered nurses, and
661 advanced practice registered nurses ~~advanced registered nurse~~
662 ~~practitioners~~ licensed under part I of chapter 464; respiratory
663 therapists licensed under part V of chapter 468; and emergency
664 medical technicians and paramedics certified under part III of
665 chapter 401. Only those health care practitioners specified in
666 this paragraph who possess an unencumbered inactive license and
667 who request that such license be reactivated are eligible for
668 reactivation. An inactive license that is reactivated under this
669 paragraph shall return to inactive status when the public health
670 emergency ends or before the end of the public health emergency
671 if the State Health Officer determines that the health care
672 practitioner is no longer needed to provide services during the
673 public health emergency. Such licenses may only be reactivated
674 for a period not to exceed 90 days without meeting the
675 requirements of s. 456.036 or chapter 401, as applicable.

676 4. Ordering an individual to be examined, tested,
677 vaccinated, treated, isolated, or quarantined for communicable



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678 diseases that have significant morbidity or mortality and
679 present a severe danger to public health. Individuals who are
680 unable or unwilling to be examined, tested, vaccinated, or
681 treated for reasons of health, religion, or conscience may be
682 subjected to isolation or quarantine.

683 a. Examination, testing, vaccination, or treatment may be
684 performed by any qualified person authorized by the State Health
685 Officer.

686 b. If the individual poses a danger to the public health,
687 the State Health Officer may subject the individual to isolation
688 or quarantine. If there is no practical method to isolate or
689 quarantine the individual, the State Health Officer may use any
690 means necessary to vaccinate or treat the individual.

691
692 Any order of the State Health Officer given to effectuate this
693 paragraph shall be immediately enforceable by a law enforcement
694 officer under s. 381.0012.

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

697 381.00593 Public school volunteer health care practitioner
698 program.—

699 (3) For purposes of this section, the term "health care
700 practitioner" means a physician licensed under chapter 458; an
701 osteopathic physician licensed under chapter 459; a chiropractic
702 physician licensed under chapter 460; a podiatric physician
703 licensed under chapter 461; an optometrist licensed under
704 chapter 463; an advanced practice registered nurse ~~advanced~~
705 ~~registered nurse practitioner~~, registered nurse, or licensed
706 practical nurse licensed under part I of chapter 464; a



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707 pharmacist licensed under chapter 465; a dentist or dental
708 hygienist licensed under chapter 466; a midwife licensed under
709 chapter 467; a speech-language pathologist or audiologist
710 licensed under part I of chapter 468; a dietitian/nutritionist
711 licensed under part X of chapter 468; or a physical therapist
712 licensed under chapter 486.

713 Section 17. Paragraph (c) of subsection (1) of section
714 383.14, Florida Statutes, is amended to read:

715 383.14 Screening for metabolic disorders, other hereditary
716 and congenital disorders, and environmental risk factors.-

717 (1) SCREENING REQUIREMENTS.-To help ensure access to the
718 maternal and child health care system, the Department of Health
719 shall promote the screening of all newborns born in Florida for
720 metabolic, hereditary, and congenital disorders known to result
721 in significant impairment of health or intellect, as screening
722 programs accepted by current medical practice become available
723 and practical in the judgment of the department. The department
724 shall also promote the identification and screening of all
725 newborns in this state and their families for environmental risk
726 factors such as low income, poor education, maternal and family
727 stress, emotional instability, substance abuse, and other high-
728 risk conditions associated with increased risk of infant
729 mortality and morbidity to provide early intervention,
730 remediation, and prevention services, including, but not limited
731 to, parent support and training programs, home visitation, and
732 case management. Identification, perinatal screening, and
733 intervention efforts shall begin prior to and immediately
734 following the birth of the child by the attending health care
735 provider. Such efforts shall be conducted in hospitals,



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736 perinatal centers, county health departments, school health
737 programs that provide prenatal care, and birthing centers, and
738 reported to the Office of Vital Statistics.

739 (c) *Release of screening results.*—Notwithstanding any law
740 to the contrary, the State Public Health Laboratory may release,
741 directly or through the Children’s Medical Services program, the
742 results of a newborn’s hearing and metabolic tests or screenings
743 to the newborn’s health care practitioner, the newborn’s parent
744 or legal guardian, the newborn’s personal representative, or a
745 person designated by the newborn’s parent or legal guardian. As
746 used in this paragraph, the term “health care practitioner”
747 means a physician or physician assistant licensed under chapter
748 458; an osteopathic physician or physician assistant licensed
749 under chapter 459; an advanced practice registered nurse
750 ~~advanced registered nurse practitioner~~, registered nurse, or
751 licensed practical nurse licensed under part I of chapter 464; a
752 midwife licensed under chapter 467; a speech-language
753 pathologist or audiologist licensed under part I of chapter 468;
754 or a dietician or nutritionist licensed under part X of chapter
755 468.

756 Section 18. Paragraph (c) of subsection (1) of section
757 383.141, Florida Statutes, is amended to read:

758 383.141 Prenatally diagnosed conditions; patient to be
759 provided information; definitions; information clearinghouse;
760 advisory council.—

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

762 (c) “Health care provider” means a practitioner licensed or
763 registered under chapter 458 or chapter 459 or an advanced
764 practice registered nurse licensed ~~advanced registered nurse~~



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765 ~~practitioner certified~~ under chapter 464.

766 Section 19. Paragraph (a) of subsection (7) of section
767 384.27, Florida Statutes, is amended to read:

768 384.27 Physical examination and treatment.—

769 (7) (a) A health care practitioner licensed under chapter
770 458, ~~or~~ chapter 459, ~~or certified under~~ s. 464.012 may provide
771 expedited partner therapy if the following requirements are met:

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

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

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

779 Section 20. Paragraph (a) of subsection (3) of section
780 390.0111, Florida Statutes, is amended to read:

781 390.0111 Termination of pregnancies.—

782 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
783 be performed or induced except with the voluntary and informed
784 written consent of the pregnant woman or, in the case of a
785 mental incompetent, the voluntary and informed written consent
786 of her court-appointed guardian.

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

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

793 a. The nature and risks of undergoing or not undergoing the



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794 proposed procedure that a reasonable patient would consider
795 material to making a knowing and willful decision of whether to
796 terminate a pregnancy.

797 b. The probable gestational age of the fetus, verified by
798 an ultrasound, at the time the termination of pregnancy is to be
799 performed.

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

805 (II) The person performing the ultrasound must offer the
806 woman the opportunity to view the live ultrasound images and
807 hear an explanation of them. If the woman accepts the
808 opportunity to view the images and hear the explanation, a
809 physician or a registered nurse, licensed practical nurse,
810 advanced practice registered nurse ~~advanced registered nurse~~
811 ~~practitioner~~, or physician assistant working in conjunction with
812 the physician must contemporaneously review and explain the
813 images to the woman before the woman gives informed consent to
814 having an abortion procedure performed.

815 (III) The woman has a right to decline to view and hear the
816 explanation of the live ultrasound images after she is informed
817 of her right and offered an opportunity to view the images and
818 hear the explanation. If the woman declines, the woman shall
819 complete a form acknowledging that she was offered an
820 opportunity to view and hear the explanation of the images but
821 that she declined that opportunity. The form must also indicate
822 that the woman's decision was not based on any undue influence



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823 from any person to discourage her from viewing the images or
824 hearing the explanation and that she declined of her own free
825 will.

826 (IV) Unless requested by the woman, the person performing
827 the ultrasound may not offer the opportunity to view the images
828 and hear the explanation and the explanation may not be given
829 if, at the time the woman schedules or arrives for her
830 appointment to obtain an abortion, a copy of a restraining
831 order, police report, medical record, or other court order or
832 documentation is presented which provides evidence that the
833 woman is obtaining the abortion because the woman is a victim of
834 rape, incest, domestic violence, or human trafficking or that
835 the woman has been diagnosed as having a condition that, on the
836 basis of a physician's good faith clinical judgment, would
837 create a serious risk of substantial and irreversible impairment
838 of a major bodily function if the woman delayed terminating her
839 pregnancy.

840 c. The medical risks to the woman and fetus of carrying the
841 pregnancy to term.

842
843 The physician may provide the information required in this
844 subparagraph within 24 hours before the procedure if requested
845 by the woman at the time she schedules or arrives for her
846 appointment to obtain an abortion and if she presents to the
847 physician a copy of a restraining order, police report, medical
848 record, or other court order or documentation evidencing that
849 she is obtaining the abortion because she is a victim of rape,
850 incest, domestic violence, or human trafficking.

851 2. Printed materials prepared and provided by the



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852 department have been provided to the pregnant woman, if she
853 chooses to view these materials, including:

854 a. A description of the fetus, including a description of
855 the various stages of development.

856 b. A list of entities that offer alternatives to
857 terminating the pregnancy.

858 c. Detailed information on the availability of medical
859 assistance benefits for prenatal care, childbirth, and neonatal
860 care.

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

864
865 Nothing in this paragraph is intended to prohibit a physician
866 from providing any additional information which the physician
867 deems material to the woman's informed decision to terminate her
868 pregnancy.

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

871 390.012 Powers of agency; rules; disposal of fetal
872 remains.—

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

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

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



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881 who perform abortions in the clinic have admitting privileges at
882 a hospital within reasonable proximity to the clinic, unless the
883 clinic has a written patient transfer agreement with a hospital
884 within reasonable proximity to the clinic which includes the
885 transfer of the patient's medical records held by both the
886 clinic and the treating physician.

887 2. If a physician is not present after an abortion is
888 performed, a registered nurse, licensed practical nurse,
889 advanced practice registered nurse ~~advanced registered nurse~~
890 ~~practitioner~~, or physician assistant be present and remain at
891 the clinic to provide postoperative monitoring and care until
892 the patient is discharged.

893 3. Surgical assistants receive training in counseling,
894 patient advocacy, and the specific responsibilities associated
895 with the services the surgical assistants provide.

896 4. Volunteers receive training in the specific
897 responsibilities associated with the services the volunteers
898 provide, including counseling and patient advocacy as provided
899 in the rules adopted by the director for different types of
900 volunteers based on their responsibilities.

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

903 1. That a physician, registered nurse, licensed practical
904 nurse, advanced practice registered nurse ~~advanced registered~~
905 ~~nurse practitioner~~, or physician assistant is available to all
906 patients throughout the abortion procedure.

907 2. Standards for the safe conduct of abortion procedures
908 that conform to obstetric standards in keeping with established
909 standards of care regarding the estimation of fetal age as



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910 defined in rule.

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

913 4. Appropriate precautions, such as the establishment of
914 intravenous access at least for patients undergoing post-first
915 trimester abortions.

916 5. Appropriate monitoring of the vital signs and other
917 defined signs and markers of the patient's status throughout the
918 abortion procedure and during the recovery period until the
919 patient's condition is deemed to be stable in the recovery room.

920 (f) Rules that prescribe minimum recovery room standards.

921 At a minimum, these rules must require that:

922 1. Postprocedure recovery rooms be supervised and staffed
923 to meet the patients' needs.

924 2. Immediate postprocedure care consist of observation in a
925 supervised recovery room for as long as the patient's condition
926 warrants.

927 3. A registered nurse, licensed practical nurse, advanced
928 practice registered nurse ~~advanced registered nurse~~
929 ~~practitioner~~, or physician assistant who is trained in the
930 management of the recovery area and is capable of providing
931 basic cardiopulmonary resuscitation and related emergency
932 procedures remain on the premises of the abortion clinic until
933 all patients are discharged.

934 4. A physician sign the discharge order and be readily
935 accessible and available until the last patient is discharged to
936 facilitate the transfer of emergency cases if hospitalization of
937 the patient or viable fetus is necessary.

938 5. A physician discuss Rho(D) immune globulin with each



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939 patient for whom it is indicated and ensure that it is offered
940 to the patient in the immediate postoperative period or will be
941 available to her within 72 hours after completion of the
942 abortion procedure. If the patient refuses the Rho(D) immune
943 globulin, she and a witness must sign a refusal form approved by
944 the agency which must be included in the medical record.

945 6. Written instructions with regard to postabortion coitus,
946 signs of possible problems, and general aftercare which are
947 specific to the patient be given to each patient. The
948 instructions must include information regarding access to
949 medical care for complications, including a telephone number for
950 use in the event of a medical emergency.

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

954 8. The physician ensure that, with the patient's consent, a
955 registered nurse, licensed practical nurse, advanced practice
956 registered nurse ~~advanced registered nurse practitioner~~, or
957 physician assistant from the abortion clinic makes a good faith
958 effort to contact the patient by telephone within 24 hours after
959 surgery to assess the patient's recovery.

960 9. Equipment and services be readily accessible to provide
961 appropriate emergency resuscitative and life support procedures
962 pending the transfer of the patient or viable fetus to the
963 hospital.

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

966 394.455 Definitions.—As used in this part, the term:

967 (35) "Psychiatric nurse" means an advanced practice



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968 registered nurse licensed ~~advanced registered nurse practitioner~~
969 ~~certified~~ under s. 464.012 who has a master's or doctoral degree
970 in psychiatric nursing, holds a national advanced practice
971 certification as a psychiatric mental health advanced practice
972 nurse, and has 2 years of post-master's clinical experience
973 under the supervision of a physician.

974 (44) "Service provider" means a receiving facility, a
975 facility licensed under chapter 397, a treatment facility, an
976 entity under contract with the department to provide mental
977 health or substance abuse services, a community mental health
978 center or clinic, a psychologist, a clinical social worker, a
979 marriage and family therapist, a mental health counselor, a
980 physician, a psychiatrist, an advanced practice registered nurse
981 ~~advanced registered nurse practitioner~~, a psychiatric nurse, or
982 a qualified professional as defined in s. 39.01.

983 Section 23. Paragraphs (a) and (b) of subsection (2) and
984 subsection (4) of section 395.0191, Florida Statutes, are
985 amended to read:

986 395.0191 Staff membership and clinical privileges.—

987 (2) (a) Each licensed facility shall establish rules and
988 procedures for consideration of an application for clinical
989 privileges submitted by an advanced practice registered nurse
990 ~~advanced registered nurse practitioner~~ licensed and certified
991 under part I of chapter 464, in accordance with the provisions
992 of this section. No licensed facility shall deny such
993 application solely because the applicant is licensed under part
994 I of chapter 464 or because the applicant is not a participant
995 in the Florida Birth-Related Neurological Injury Compensation
996 Plan.



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997 (b) An advanced practice registered nurse ~~advanced~~
998 ~~registered nurse practitioner~~ who is certified as a registered
999 nurse anesthetist licensed under part I of chapter 464 shall
1000 administer anesthesia under the onsite medical direction of a
1001 professional licensed under chapter 458, chapter 459, or chapter
1002 466, and in accordance with an established protocol approved by
1003 the medical staff. The medical direction shall specifically
1004 address the needs of the individual patient.

1005 (4) Nothing herein shall restrict in any way the authority
1006 of the medical staff of a licensed facility to review for
1007 approval or disapproval all applications for appointment and
1008 reappointment to all categories of staff and to make
1009 recommendations on each applicant to the governing board,
1010 including the delineation of privileges to be granted in each
1011 case. In making such recommendations and in the delineation of
1012 privileges, each applicant shall be considered individually
1013 pursuant to criteria for a doctor licensed under chapter 458,
1014 chapter 459, chapter 461, or chapter 466, or for an advanced
1015 practice registered nurse ~~advanced registered nurse practitioner~~
1016 ~~licensed and certified~~ under part I of chapter 464, or for a
1017 psychologist licensed under chapter 490, as applicable. The
1018 applicant's eligibility for staff membership or clinical
1019 privileges shall be determined by the applicant's background,
1020 experience, health, training, and demonstrated competency; the
1021 applicant's adherence to applicable professional ethics; the
1022 applicant's reputation; and the applicant's ability to work with
1023 others and by such other elements as determined by the governing
1024 board, consistent with this part.

1025 Section 24. Subsection (34) of section 397.311, Florida



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1026 Statutes, is amended to read:

1027 397.311 Definitions.—As used in this chapter, except part
1028 VIII, the term:

1029 (34) “Qualified professional” means a physician or a
1030 physician assistant licensed under chapter 458 or chapter 459; a
1031 professional licensed under chapter 490 or chapter 491; an
1032 advanced practice registered nurse ~~advanced registered nurse~~
1033 ~~practitioner~~ licensed under part I of chapter 464; or a person
1034 who is certified through a department-recognized certification
1035 process for substance abuse treatment services and who holds, at
1036 a minimum, a bachelor’s degree. A person who is certified in
1037 substance abuse treatment services by a state-recognized
1038 certification process in another state at the time of employment
1039 with a licensed substance abuse provider in this state may
1040 perform the functions of a qualified professional as defined in
1041 this chapter but must meet certification requirements contained
1042 in this subsection no later than 1 year after his or her date of
1043 employment.

1044 Section 25. Section 397.4012, Florida Statutes, is amended
1045 to read:

1046 397.4012 Exemptions from licensure.—The following are
1047 exempt from the licensing provisions of this chapter:

1048 (1) A hospital or hospital-based component licensed under
1049 chapter 395.

1050 (2) A nursing home facility as defined in s. 400.021.

1051 (3) A substance abuse education program established
1052 pursuant to s. 1003.42.

1053 (4) A facility or institution operated by the Federal
1054 Government.



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- 1055 (5) A physician or physician assistant licensed under
1056 chapter 458 or chapter 459.
- 1057 (6) A psychologist licensed under chapter 490.
- 1058 (7) A social worker, marriage and family therapist, or
1059 mental health counselor licensed under chapter 491.
- 1060 (8) A legally cognizable church or nonprofit religious
1061 organization or denomination providing substance abuse services,
1062 including prevention services, which are solely religious,
1063 spiritual, or ecclesiastical in nature. A church or nonprofit
1064 religious organization or denomination providing any of the
1065 licensed service components itemized under s. 397.311(26) is not
1066 exempt from substance abuse licensure but retains its exemption
1067 with respect to all services which are solely religious,
1068 spiritual, or ecclesiastical in nature.
- 1069 (9) Facilities licensed under chapter 393 which, in
1070 addition to providing services to persons with developmental
1071 disabilities, also provide services to persons developmentally
1072 at risk as a consequence of exposure to alcohol or other legal
1073 or illegal drugs while in utero.
- 1074 (10) DUI education and screening services provided pursuant
1075 to ss. 316.192, 316.193, 322.095, 322.271, and 322.291. Persons
1076 or entities providing treatment services must be licensed under
1077 this chapter unless exempted from licensing as provided in this
1078 section.
- 1079 (11) A facility licensed under s. 394.875 as a crisis
1080 stabilization unit.
- 1081
- 1082 The exemptions from licensure in this section do not apply to
1083 any service provider that receives an appropriation, grant, or



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1084 contract from the state to operate as a service provider as
1085 defined in this chapter or to any substance abuse program
1086 regulated pursuant to s. 397.4014. Furthermore, this chapter may
1087 not be construed to limit the practice of a physician or
1088 physician assistant licensed under chapter 458 or chapter 459, a
1089 psychologist licensed under chapter 490, a psychotherapist
1090 licensed under chapter 491, or an advanced practice registered
1091 nurse ~~advanced registered nurse practitioner~~ licensed under part
1092 I of chapter 464, who provides substance abuse treatment, so
1093 long as the physician, physician assistant, psychologist,
1094 psychotherapist, or advanced practice registered nurse ~~advanced~~
1095 ~~registered nurse practitioner~~ does not represent to the public
1096 that he or she is a licensed service provider and does not
1097 provide services to individuals pursuant to part V of this
1098 chapter. Failure to comply with any requirement necessary to
1099 maintain an exempt status under this section is a misdemeanor of
1100 the first degree, punishable as provided in s. 775.082 or s.
1101 775.083.

1102 Section 26. Subsections (4), (7), and (8) of section
1103 397.427, Florida Statutes, are amended to read:

1104 397.427 Medication-assisted treatment service providers;
1105 rehabilitation program; needs assessment and provision of
1106 services; persons authorized to issue takeout medication;
1107 unlawful operation; penalty.—

1108 (4) Notwithstanding s. 465.019(2), a physician assistant, a
1109 registered nurse, an advanced practice registered nurse ~~advanced~~
1110 ~~registered nurse practitioner~~, or a licensed practical nurse
1111 working for a licensed service provider may deliver takeout
1112 medication for opiate treatment to persons enrolled in a



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1113 maintenance treatment program for medication-assisted treatment
1114 for opiate addiction if:

1115 (a) The medication-assisted treatment program for opiate
1116 addiction has an appropriate valid permit issued pursuant to
1117 rules adopted by the Board of Pharmacy;

1118 (b) The medication for treatment of opiate addiction has
1119 been delivered pursuant to a valid prescription written by the
1120 program's physician licensed pursuant to chapter 458 or chapter
1121 459;

1122 (c) The medication for treatment of opiate addiction which
1123 is ordered appears on a formulary and is prepackaged and
1124 prelabeled with dosage instructions and distributed from a
1125 source authorized under chapter 499;

1126 (d) Each licensed provider adopts written protocols which
1127 provide for supervision of the physician assistant, registered
1128 nurse, advanced practice registered nurse ~~advanced registered~~
1129 ~~nurse practitioner~~, or licensed practical nurse by a physician
1130 licensed pursuant to chapter 458 or chapter 459 and for the
1131 procedures by which patients' medications may be delivered by
1132 the physician assistant, registered nurse, advanced practice
1133 registered nurse ~~advanced registered nurse practitioner~~, or
1134 licensed practical nurse. Such protocols shall be signed by the
1135 supervising physician and either the administering registered
1136 nurse, the advanced practice registered nurse ~~advanced~~
1137 ~~registered nurse practitioner~~, or the licensed practical nurse.

1138 (e) Each licensed service provider maintains and has
1139 available for inspection by representatives of the Board of
1140 Pharmacy all medical records and patient care protocols,
1141 including records of medications delivered to patients, in



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1142 accordance with the board.

1143 (7) A physician assistant, a registered nurse, an advanced
1144 practice registered nurse ~~advanced registered nurse~~
1145 ~~practitioner~~, or a licensed practical nurse working for a
1146 licensed service provider may deliver medication as prescribed
1147 by rule if:

1148 (a) The service provider is authorized to provide
1149 medication-assisted treatment;

1150 (b) The medication has been administered pursuant to a
1151 valid prescription written by the program's physician who is
1152 licensed under chapter 458 or chapter 459; and

1153 (c) The medication ordered appears on a formulary or meets
1154 federal requirements for medication-assisted treatment.

1155 (8) Each licensed service provider that provides
1156 medication-assisted treatment must adopt written protocols as
1157 specified by the department and in accordance with federally
1158 required rules, regulations, or procedures. The protocol shall
1159 provide for the supervision of the physician assistant,
1160 registered nurse, advanced practice registered nurse ~~advanced~~
1161 ~~registered nurse practitioner~~, or licensed practical nurse
1162 working under the supervision of a physician who is licensed
1163 under chapter 458 or chapter 459. The protocol must specify how
1164 the medication will be used in conjunction with counseling or
1165 psychosocial treatment and that the services provided will be
1166 included on the treatment plan. The protocol must specify the
1167 procedures by which medication-assisted treatment may be
1168 administered by the physician assistant, registered nurse,
1169 advanced practice registered nurse ~~advanced registered nurse~~
1170 ~~practitioner~~, or licensed practical nurse. These protocols shall



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1171 be signed by the supervising physician and the administering
1172 physician assistant, registered nurse, advanced practice
1173 registered nurse ~~advanced registered nurse practitioner~~, or
1174 licensed practical nurse.

1175 Section 27. Section 397.679, Florida Statutes, is amended
1176 to read:

1177 397.679 Emergency admission; circumstances justifying.—A
1178 person who meets the criteria for involuntary admission in s.
1179 397.675 may be admitted to a hospital or to a licensed
1180 detoxification facility or addictions receiving facility for
1181 emergency assessment and stabilization, or to a less intensive
1182 component of a licensed service provider for assessment only,
1183 upon receipt by the facility of a certificate by a physician, an
1184 advanced practice registered nurse ~~advanced registered nurse~~
1185 ~~practitioner~~, a psychiatric nurse, a clinical psychologist, a
1186 clinical social worker, a marriage and family therapist, a
1187 mental health counselor, a physician assistant working under the
1188 scope of practice of the supervising physician, or a master's-
1189 level-certified addictions professional for substance abuse
1190 services, if the certificate is specific to substance abuse
1191 impairment, and the completion of an application for emergency
1192 admission.

1193 Section 28. Subsection (1) of section 397.6793, Florida
1194 Statutes, is amended to read:

1195 397.6793 Professional's certificate for emergency
1196 admission.—

1197 (1) A physician, a clinical psychologist, a physician
1198 assistant working under the scope of practice of the supervising
1199 physician, a psychiatric nurse, an advanced practice registered



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1200 ~~nurse advanced registered nurse practitioner~~, a mental health
1201 counselor, a marriage and family therapist, a master's-level-
1202 certified addictions professional for substance abuse services,
1203 or a clinical social worker may execute a professional's
1204 certificate for emergency admission. The professional's
1205 certificate must include the name of the person to be admitted,
1206 the relationship between the person and the professional
1207 executing the certificate, the relationship between the
1208 applicant and the professional, any relationship between the
1209 professional and the licensed service provider, a statement that
1210 the person has been examined and assessed within the preceding 5
1211 days after the application date, and factual allegations with
1212 respect to the need for emergency admission, including:

1213 (a) The reason for the belief that the person is substance
1214 abuse impaired;

1215 (b) The reason for the belief that because of such
1216 impairment the person has lost the power of self-control with
1217 respect to substance abuse; and

1218 (c)1. The reason for the belief that, without care or
1219 treatment, the person is likely to suffer from neglect or refuse
1220 to care for himself or herself; that such neglect or refusal
1221 poses a real and present threat of substantial harm to his or
1222 her well-being; and that it is not apparent that such harm may
1223 be avoided through the help of willing family members or friends
1224 or the provision of other services, or there is substantial
1225 likelihood that the person has inflicted or, unless admitted, is
1226 likely to inflict, physical harm on himself, herself, or
1227 another; or

1228 2. The reason for the belief that the person's refusal to



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1229 voluntarily receive care is based on judgment so impaired by
1230 reason of substance abuse that the person is incapable of
1231 appreciating his or her need for care and of making a rational
1232 decision regarding his or her need for care.

1233 Section 29. Subsection (8) of section 400.021, Florida
1234 Statutes, is amended to read:

1235 400.021 Definitions.—When used in this part, unless the
1236 context otherwise requires, the term:

1237 (8) "Geriatric outpatient clinic" means a site for
1238 providing outpatient health care to persons 60 years of age or
1239 older, which is staffed by a registered nurse, a physician
1240 assistant, or a licensed practical nurse under the direct
1241 supervision of a registered nurse, advanced practice registered
1242 nurse ~~advanced registered nurse practitioner~~, physician
1243 assistant, or physician.

1244 Section 30. Subsection (3) of section 400.462, Florida
1245 Statutes, is amended to read:

1246 400.462 Definitions.—As used in this part, the term:

1247 (3) "Advanced practice registered nurse" ~~"Advanced~~
1248 ~~registered nurse practitioner"~~ means a person licensed in this
1249 state to practice professional nursing and certified in advanced
1250 or specialized nursing practice, as defined in s. 464.003.

1251 Section 31. Section 400.487, Florida Statutes, is amended
1252 to read:

1253 400.487 Home health service agreements; physician's,
1254 physician assistant's, and advanced practice registered nurse's
1255 ~~advanced registered nurse practitioner's~~ treatment orders;
1256 patient assessment; establishment and review of plan of care;
1257 provision of services; orders not to resuscitate.—



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1258 (1) Services provided by a home health agency must be
1259 covered by an agreement between the home health agency and the
1260 patient or the patient's legal representative specifying the
1261 home health services to be provided, the rates or charges for
1262 services paid with private funds, and the sources of payment,
1263 which may include Medicare, Medicaid, private insurance,
1264 personal funds, or a combination thereof. A home health agency
1265 providing skilled care must make an assessment of the patient's
1266 needs within 48 hours after the start of services.

1267 (2) When required by the provisions of chapter 464; part I,
1268 part III, or part V of chapter 468; or chapter 486, the
1269 attending physician, physician assistant, or advanced practice
1270 registered nurse ~~advanced registered nurse practitioner~~, acting
1271 within his or her respective scope of practice, shall establish
1272 treatment orders for a patient who is to receive skilled care.
1273 The treatment orders must be signed by the physician, physician
1274 assistant, or advanced practice registered nurse ~~advanced~~
1275 ~~registered nurse practitioner~~ before a claim for payment for the
1276 skilled services is submitted by the home health agency. If the
1277 claim is submitted to a managed care organization, the treatment
1278 orders must be signed within the time allowed under the provider
1279 agreement. The treatment orders shall be reviewed, as frequently
1280 as the patient's illness requires, by the physician, physician
1281 assistant, or advanced practice registered nurse ~~advanced~~
1282 ~~registered nurse practitioner~~ in consultation with the home
1283 health agency.

1284 (3) A home health agency shall arrange for supervisory
1285 visits by a registered nurse to the home of a patient receiving
1286 home health aide services in accordance with the patient's



1287 direction, approval, and agreement to pay the charge for the
1288 visits.

1289 (4) Each patient has the right to be informed of and to
1290 participate in the planning of his or her care. Each patient
1291 must be provided, upon request, a copy of the plan of care
1292 established and maintained for that patient by the home health
1293 agency.

1294 (5) When nursing services are ordered, the home health
1295 agency to which a patient has been admitted for care must
1296 provide the initial admission visit, all service evaluation
1297 visits, and the discharge visit by a direct employee. Services
1298 provided by others under contractual arrangements to a home
1299 health agency must be monitored and managed by the admitting
1300 home health agency. The admitting home health agency is fully
1301 responsible for ensuring that all care provided through its
1302 employees or contract staff is delivered in accordance with this
1303 part and applicable rules.

1304 (6) The skilled care services provided by a home health
1305 agency, directly or under contract, must be supervised and
1306 coordinated in accordance with the plan of care.

1307 (7) Home health agency personnel may withhold or withdraw
1308 cardiopulmonary resuscitation if presented with an order not to
1309 resuscitate executed pursuant to s. 401.45. The agency shall
1310 adopt rules providing for the implementation of such orders.
1311 Home health personnel and agencies shall not be subject to
1312 criminal prosecution or civil liability, nor be considered to
1313 have engaged in negligent or unprofessional conduct, for
1314 withholding or withdrawing cardiopulmonary resuscitation
1315 pursuant to such an order and rules adopted by the agency.



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1316 Section 32. Paragraph (a) of subsection (13) of section
1317 400.506, Florida Statutes, is amended to read:

1318 400.506 Licensure of nurse registries; requirements;
1319 penalties.—

1320 (13) All persons referred for contract in private
1321 residences by a nurse registry must comply with the following
1322 requirements for a plan of treatment:

1323 (a) When, in accordance with the privileges and
1324 restrictions imposed upon a nurse under part I of chapter 464,
1325 the delivery of care to a patient is under the direction or
1326 supervision of a physician or when a physician is responsible
1327 for the medical care of the patient, a medical plan of treatment
1328 must be established for each patient receiving care or treatment
1329 provided by a licensed nurse in the home. The original medical
1330 plan of treatment must be timely signed by the physician,
1331 physician assistant, or advanced practice registered nurse
1332 ~~advanced registered nurse practitioner~~, acting within his or her
1333 respective scope of practice, and reviewed in consultation with
1334 the licensed nurse at least every 2 months. Any additional order
1335 or change in orders must be obtained from the physician,
1336 physician assistant, or advanced practice registered nurse
1337 ~~advanced registered nurse practitioner~~ and reduced to writing
1338 and timely signed by the physician, physician assistant, or
1339 advanced practice registered nurse ~~advanced registered nurse~~
1340 ~~practitioner~~. The delivery of care under a medical plan of
1341 treatment must be substantiated by the appropriate nursing notes
1342 or documentation made by the nurse in compliance with nursing
1343 practices established under part I of chapter 464.

1344 Section 33. Subsections (5) and (7) of section 400.9973,



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1345 Florida Statutes, are amended to read:

1346 400.9973 Client admission, transfer, and discharge.—

1347 (5) A client admitted to a transitional living facility
1348 must be admitted upon prescription by a licensed physician,
1349 physician assistant, or advanced practice registered nurse
1350 ~~advanced registered nurse practitioner~~ and must remain under the
1351 care of a licensed physician, physician assistant, or advanced
1352 practice registered nurse ~~advanced registered nurse practitioner~~
1353 for the duration of the client's stay in the facility.

1354 (7) A person may not be admitted to a transitional living
1355 facility if the person:

1356 (a) Presents significant risk of infection to other clients
1357 or personnel. A health care practitioner must provide
1358 documentation that the person is free of apparent signs and
1359 symptoms of communicable disease;

1360 (b) Is a danger to himself or herself or others as
1361 determined by a physician, physician assistant, advanced
1362 practice registered nurse, ~~or advanced registered nurse~~
1363 ~~practitioner~~ or a mental health practitioner licensed under
1364 chapter 490 or chapter 491, unless the facility provides
1365 adequate staffing and support to ensure patient safety;

1366 (c) Is bedridden; or

1367 (d) Requires 24-hour nursing supervision.

1368 Section 34. Subsection (1) and paragraphs (a) and (b) of
1369 subsection (2) of section 400.9974, Florida Statutes, are
1370 amended to read:

1371 400.9974 Client comprehensive treatment plans; client
1372 services.—

1373 (1) A transitional living facility shall develop a



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1374 comprehensive treatment plan for each client as soon as
1375 practicable but no later than 30 days after the initial
1376 comprehensive treatment plan is developed. The comprehensive
1377 treatment plan must be developed by an interdisciplinary team
1378 consisting of the case manager, the program director, the
1379 advanced practice registered nurse ~~advanced registered nurse~~
1380 ~~practitioner~~, and appropriate therapists. The client or, if
1381 appropriate, the client's representative must be included in
1382 developing the comprehensive treatment plan. The comprehensive
1383 treatment plan must be reviewed and updated if the client fails
1384 to meet projected improvements outlined in the plan or if a
1385 significant change in the client's condition occurs. The
1386 comprehensive treatment plan must be reviewed and updated at
1387 least once monthly.

1388 (2) The comprehensive treatment plan must include:

1389 (a) Orders obtained from the physician, physician
1390 assistant, or advanced practice registered nurse ~~advanced~~
1391 ~~registered nurse practitioner~~ and the client's diagnosis,
1392 medical history, physical examination, and rehabilitative or
1393 restorative needs.

1394 (b) A preliminary nursing evaluation, including orders for
1395 immediate care provided by the physician, physician assistant,
1396 or advanced practice registered nurse ~~advanced registered nurse~~
1397 ~~practitioner~~, which shall be completed when the client is
1398 admitted.

1399 Section 35. Section 400.9976, Florida Statutes, is amended
1400 to read:

1401 400.9976 Administration of medication.—

1402 (1) An individual medication administration record must be



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1403 maintained for each client. A dose of medication, including a
1404 self-administered dose, shall be properly recorded in the
1405 client's record. A client who self-administers medication shall
1406 be given a pill organizer. Medication must be placed in the pill
1407 organizer by a nurse. A nurse shall document the date and time
1408 that medication is placed into each client's pill organizer. All
1409 medications must be administered in compliance with orders of a
1410 physician, physician assistant, or advanced practice registered
1411 nurse ~~advanced registered nurse practitioner~~.

1412 (2) If an interdisciplinary team determines that self-
1413 administration of medication is an appropriate objective, and if
1414 the physician, physician assistant, or advanced practice
1415 registered nurse ~~advanced registered nurse practitioner~~ does not
1416 specify otherwise, the client must be instructed by the
1417 physician, physician assistant, or advanced practice registered
1418 nurse ~~advanced registered nurse practitioner~~ to self-administer
1419 his or her medication without the assistance of a staff person.
1420 All forms of self-administration of medication, including
1421 administration orally, by injection, and by suppository, shall
1422 be included in the training. The client's physician, physician
1423 assistant, or advanced practice registered nurse ~~advanced~~
1424 ~~registered nurse practitioner~~ must be informed of the
1425 interdisciplinary team's decision that self-administration of
1426 medication is an objective for the client. A client may not
1427 self-administer medication until he or she demonstrates the
1428 competency to take the correct medication in the correct dosage
1429 at the correct time, to respond to missed doses, and to contact
1430 the appropriate person with questions.

1431 (3) Medication administration discrepancies and adverse



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1432 drug reactions must be recorded and reported immediately to a
1433 physician, physician assistant, or advanced practice registered
1434 nurse ~~advanced registered nurse practitioner~~.

1435 Section 36. Subsections (2) through (5) of section
1436 400.9979, Florida Statutes, are amended to read:

1437 400.9979 Restraint and seclusion; client safety.—

1438 (2) The use of physical restraints must be ordered and
1439 documented by a physician, physician assistant, or advanced
1440 practice registered nurse ~~advanced registered nurse practitioner~~
1441 and must be consistent with the policies and procedures adopted
1442 by the facility. The client or, if applicable, the client's
1443 representative shall be informed of the facility's physical
1444 restraint policies and procedures when the client is admitted.

1445 (3) The use of chemical restraints shall be limited to
1446 prescribed dosages of medications as ordered by a physician,
1447 physician assistant, or advanced practice registered nurse
1448 ~~advanced registered nurse practitioner~~ and must be consistent
1449 with the client's diagnosis and the policies and procedures
1450 adopted by the facility. The client and, if applicable, the
1451 client's representative shall be informed of the facility's
1452 chemical restraint policies and procedures when the client is
1453 admitted.

1454 (4) Based on the assessment by a physician, physician
1455 assistant, or advanced practice registered nurse ~~advanced~~
1456 ~~registered nurse practitioner~~, if a client exhibits symptoms
1457 that present an immediate risk of injury or death to himself or
1458 herself or others, a physician, physician assistant, or advanced
1459 practice registered nurse ~~advanced registered nurse practitioner~~
1460 may issue an emergency treatment order to immediately administer



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1461 rapid-response psychotropic medications or other chemical
1462 restraints. Each emergency treatment order must be documented
1463 and maintained in the client's record.

1464 (a) An emergency treatment order is not effective for more
1465 than 24 hours.

1466 (b) Whenever a client is medicated under this subsection,
1467 the client's representative or a responsible party and the
1468 client's physician, physician assistant, or advanced practice
1469 registered nurse ~~advanced registered nurse practitioner~~ shall be
1470 notified as soon as practicable.

1471 (5) A client who is prescribed and receives a medication
1472 that can serve as a chemical restraint for a purpose other than
1473 an emergency treatment order must be evaluated by his or her
1474 physician, physician assistant, or advanced practice registered
1475 nurse ~~advanced registered nurse practitioner~~ at least monthly to
1476 assess:

1477 (a) The continued need for the medication.

1478 (b) The level of the medication in the client's blood.

1479 (c) The need for adjustments to the prescription.

1480 Section 37. Subsections (1) and (2) of section 401.445,
1481 Florida Statutes, are amended to read:

1482 401.445 Emergency examination and treatment of
1483 incapacitated persons.—

1484 (1) No recovery shall be allowed in any court in this state
1485 against any emergency medical technician, paramedic, or
1486 physician as defined in this chapter, any advanced practice
1487 registered nurse licensed ~~advanced registered nurse practitioner~~
1488 ~~certified~~ under s. 464.012, or any physician assistant licensed
1489 under s. 458.347 or s. 459.022, or any person acting under the



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1490 direct medical supervision of a physician, in an action brought
1491 for examining or treating a patient without his or her informed
1492 consent if:

1493 (a) The patient at the time of examination or treatment is
1494 intoxicated, under the influence of drugs, or otherwise
1495 incapable of providing informed consent as provided in s.
1496 766.103;

1497 (b) The patient at the time of examination or treatment is
1498 experiencing an emergency medical condition; and

1499 (c) The patient would reasonably, under all the surrounding
1500 circumstances, undergo such examination, treatment, or procedure
1501 if he or she were advised by the emergency medical technician,
1502 paramedic, physician, advanced practice registered nurse
1503 ~~advanced registered nurse practitioner~~, or physician assistant
1504 in accordance with s. 766.103(3).

1505
1506 Examination and treatment provided under this subsection shall
1507 be limited to reasonable examination of the patient to determine
1508 the medical condition of the patient and treatment reasonably
1509 necessary to alleviate the emergency medical condition or to
1510 stabilize the patient.

1511 (2) In examining and treating a person who is apparently
1512 intoxicated, under the influence of drugs, or otherwise
1513 incapable of providing informed consent, the emergency medical
1514 technician, paramedic, physician, advanced practice registered
1515 nurse ~~advanced registered nurse practitioner~~, or physician
1516 assistant, or any person acting under the direct medical
1517 supervision of a physician, shall proceed wherever possible with
1518 the consent of the person. If the person reasonably appears to



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1519 be incapacitated and refuses his or her consent, the person may
1520 be examined, treated, or taken to a hospital or other
1521 appropriate treatment resource if he or she is in need of
1522 emergency attention, without his or her consent, but
1523 unreasonable force shall not be used.

1524 Section 38. Subsection (1) of section 409.905, Florida
1525 Statutes, is amended to read:

1526 409.905 Mandatory Medicaid services.—The agency may make
1527 payments for the following services, which are required of the
1528 state by Title XIX of the Social Security Act, furnished by
1529 Medicaid providers to recipients who are determined to be
1530 eligible on the dates on which the services were provided. Any
1531 service under this section shall be provided only when medically
1532 necessary and in accordance with state and federal law.

1533 Mandatory services rendered by providers in mobile units to
1534 Medicaid recipients may be restricted by the agency. Nothing in
1535 this section shall be construed to prevent or limit the agency
1536 from adjusting fees, reimbursement rates, lengths of stay,
1537 number of visits, number of services, or any other adjustments
1538 necessary to comply with the availability of moneys and any
1539 limitations or directions provided for in the General
1540 Appropriations Act or chapter 216.

1541 (1) ADVANCED PRACTICE REGISTERED NURSE ~~ADVANCED REGISTERED~~
1542 ~~NURSE PRACTITIONER~~ SERVICES.—The agency shall pay for services
1543 provided to a recipient by a licensed advanced practice
1544 registered nurse ~~advanced registered nurse practitioner~~ who has
1545 a valid collaboration agreement with a licensed physician on
1546 file with the Department of Health or who provides anesthesia
1547 services in accordance with established protocol required by



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1548 state law and approved by the medical staff of the facility in
1549 which the anesthetic service is performed. Reimbursement for
1550 such services must be provided in an amount that equals not less
1551 than 80 percent of the reimbursement to a physician who provides
1552 the same services, unless otherwise provided for in the General
1553 Appropriations Act.

1554 Section 39. Paragraph (a) of subsection (3) and subsection
1555 (7) of section 409.908, Florida Statutes, are amended to read:

1556 409.908 Reimbursement of Medicaid providers.—Subject to
1557 specific appropriations, the agency shall reimburse Medicaid
1558 providers, in accordance with state and federal law, according
1559 to methodologies set forth in the rules of the agency and in
1560 policy manuals and handbooks incorporated by reference therein.
1561 These methodologies may include fee schedules, reimbursement
1562 methods based on cost reporting, negotiated fees, competitive
1563 bidding pursuant to s. 287.057, and other mechanisms the agency
1564 considers efficient and effective for purchasing services or
1565 goods on behalf of recipients. If a provider is reimbursed based
1566 on cost reporting and submits a cost report late and that cost
1567 report would have been used to set a lower reimbursement rate
1568 for a rate semester, then the provider's rate for that semester
1569 shall be retroactively calculated using the new cost report, and
1570 full payment at the recalculated rate shall be effected
1571 retroactively. Medicare-granted extensions for filing cost
1572 reports, if applicable, shall also apply to Medicaid cost
1573 reports. Payment for Medicaid compensable services made on
1574 behalf of Medicaid eligible persons is subject to the
1575 availability of moneys and any limitations or directions
1576 provided for in the General Appropriations Act or chapter 216.



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1577 Further, nothing in this section shall be construed to prevent
1578 or limit the agency from adjusting fees, reimbursement rates,
1579 lengths of stay, number of visits, or number of services, or
1580 making any other adjustments necessary to comply with the
1581 availability of moneys and any limitations or directions
1582 provided for in the General Appropriations Act, provided the
1583 adjustment is consistent with legislative intent.

1584 (3) Subject to any limitations or directions provided for
1585 in the General Appropriations Act, the following Medicaid
1586 services and goods may be reimbursed on a fee-for-service basis.
1587 For each allowable service or goods furnished in accordance with
1588 Medicaid rules, policy manuals, handbooks, and state and federal
1589 law, the payment shall be the amount billed by the provider, the
1590 provider's usual and customary charge, or the maximum allowable
1591 fee established by the agency, whichever amount is less, with
1592 the exception of those services or goods for which the agency
1593 makes payment using a methodology based on capitation rates,
1594 average costs, or negotiated fees.

1595 (a) Advanced practice registered nurse ~~Advanced registered~~
1596 ~~nurse practitioner~~ services.

1597 (7) A provider of family planning services shall be
1598 reimbursed the lesser of the amount billed by the provider or an
1599 all-inclusive amount per type of visit for physicians and
1600 advanced practice registered nurses ~~advanced registered nurse~~
1601 ~~practitioners~~, as established by the agency in a fee schedule.

1602 Section 40. Paragraph (a) of subsection (1) of section
1603 409.973, Florida Statutes, is amended to read:

1604 409.973 Benefits.—

1605 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a



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1606 minimum, the following services:

1607 (a) Advanced practice registered nurse ~~Advanced registered~~
1608 ~~nurse practitioner~~ services.

1609 Section 41. Section 1 of chapter 2016-109, Laws of
1610 Florida, is amended to read:

1611 Section 1. Effective March 1, 2019, subsection (1) of
1612 section 409.973, Florida Statutes, is amended to read:

1613 409.973 Benefits.—

1614 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
1615 minimum, the following services:

1616 (a) Advanced practice registered nurse ~~Advanced registered~~
1617 ~~nurse practitioner~~ services.

1618 (b) Ambulatory surgical treatment center services.

1619 (c) Birthing center services.

1620 (d) Chiropractic services.

1621 (e) Early periodic screening diagnosis and treatment
1622 services for recipients under age 21.

1623 (f) Emergency services.

1624 (g) Family planning services and supplies. Pursuant to 42
1625 C.F.R. s. 438.102, plans may elect to not provide these services
1626 due to an objection on moral or religious grounds, and must
1627 notify the agency of that election when submitting a reply to an
1628 invitation to negotiate.

1629 (h) Healthy start services, except as provided in s.
1630 409.975(4).

1631 (i) Hearing services.

1632 (j) Home health agency services.

1633 (k) Hospice services.

1634 (l) Hospital inpatient services.



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- 1635 (m) Hospital outpatient services.
- 1636 (n) Laboratory and imaging services.
- 1637 (o) Medical supplies, equipment, prostheses, and orthoses.
- 1638 (p) Mental health services.
- 1639 (q) Nursing care.
- 1640 (r) Optical services and supplies.
- 1641 (s) Optometrist services.
- 1642 (t) Physical, occupational, respiratory, and speech therapy
- 1643 services.
- 1644 (u) Physician services, including physician assistant
- 1645 services.
- 1646 (v) Podiatric services.
- 1647 (w) Prescription drugs.
- 1648 (x) Renal dialysis services.
- 1649 (y) Respiratory equipment and supplies.
- 1650 (z) Rural health clinic services.
- 1651 (aa) Substance abuse treatment services.
- 1652 (bb) Transportation to access covered services.

1653 Section 42. Paragraph (a) of subsection (2) and paragraph
1654 (a) of subsection (7) of section 429.918, Florida Statutes, are
1655 amended to read:

1656 429.918 Licensure designation as a specialized Alzheimer's
1657 services adult day care center.—

1658 (2) As used in this section, the term:

1659 (a) "ADRD participant" means a participant who has a
1660 documented diagnosis of Alzheimer's disease or a dementia-
1661 related disorder (ADRD) from a licensed physician, licensed
1662 physician assistant, or a licensed advanced practice registered
1663 nurse ~~advanced registered nurse practitioner~~.



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1664 (7) (a) An ADRD participant admitted to an adult day care
1665 center having a license designated under this section, or the
1666 caregiver when applicable, must:

1667 1. Require ongoing supervision to maintain the highest
1668 level of medical or custodial functioning and have a
1669 demonstrated need for a responsible party to oversee his or her
1670 care.

1671 2. Not actively demonstrate aggressive behavior that places
1672 himself, herself, or others at risk of harm.

1673 3. Provide the following medical documentation signed by a
1674 licensed physician, licensed physician assistant, or a licensed
1675 advanced practice registered nurse ~~advanced registered nurse~~
1676 ~~practitioner~~:

1677 a. Any physical, health, or emotional conditions that
1678 require medical care.

1679 b. A listing of the ADRD participant's current prescribed
1680 and over-the-counter medications and dosages, diet restrictions,
1681 mobility restrictions, and other physical limitations.

1682 4. Provide documentation signed by a health care provider
1683 licensed in this state which indicates that the ADRD participant
1684 is free of the communicable form of tuberculosis and free of
1685 signs and symptoms of other communicable diseases.

1686 Section 43. Section 456.0391, Florida Statutes, is amended
1687 to read:

1688 456.0391 Advanced practice registered nurses ~~Advanced~~
1689 ~~registered nurse practitioners~~; information required for
1690 licensure ~~certification~~.

1691 (1) (a) Each person who applies for initial licensure
1692 ~~certification~~ under s. 464.012 must, at the time of application,



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1693 and each person licensed ~~certified~~ under s. 464.012 who applies
1694 for licensure ~~certification~~ renewal must, in conjunction with
1695 the renewal of such licensure ~~certification~~ and under procedures
1696 adopted by the Department of Health, and in addition to any
1697 other information that may be required from the applicant,
1698 furnish the following information to the Department of Health:

1699 1. The name of each school or training program that the
1700 applicant has attended, with the months and years of attendance
1701 and the month and year of graduation, and a description of all
1702 graduate professional education completed by the applicant,
1703 excluding any coursework taken to satisfy continuing education
1704 requirements.

1705 2. The name of each location at which the applicant
1706 practices.

1707 3. The address at which the applicant will primarily
1708 conduct his or her practice.

1709 4. Any certification or designation that the applicant has
1710 received from a specialty or certification board that is
1711 recognized or approved by the regulatory board or department to
1712 which the applicant is applying.

1713 5. The year that the applicant received initial
1714 certification or licensure and began practicing the profession
1715 in any jurisdiction and the year that the applicant received
1716 initial certification or licensure in this state.

1717 6. Any appointment which the applicant currently holds to
1718 the faculty of a school related to the profession and an
1719 indication as to whether the applicant has had the
1720 responsibility for graduate education within the most recent 10
1721 years.



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1722 7. A description of any criminal offense of which the
1723 applicant has been found guilty, regardless of whether
1724 adjudication of guilt was withheld, or to which the applicant
1725 has pled guilty or nolo contendere. A criminal offense committed
1726 in another jurisdiction which would have been a felony or
1727 misdemeanor if committed in this state must be reported. If the
1728 applicant indicates that a criminal offense is under appeal and
1729 submits a copy of the notice for appeal of that criminal
1730 offense, the department must state that the criminal offense is
1731 under appeal if the criminal offense is reported in the
1732 applicant's profile. If the applicant indicates to the
1733 department that a criminal offense is under appeal, the
1734 applicant must, within 15 days after the disposition of the
1735 appeal, submit to the department a copy of the final written
1736 order of disposition.

1737 8. A description of any final disciplinary action taken
1738 within the previous 10 years against the applicant by a
1739 licensing or regulatory body in any jurisdiction, by a specialty
1740 board that is recognized by the board or department, or by a
1741 licensed hospital, health maintenance organization, prepaid
1742 health clinic, ambulatory surgical center, or nursing home.
1743 Disciplinary action includes resignation from or nonrenewal of
1744 staff membership or the restriction of privileges at a licensed
1745 hospital, health maintenance organization, prepaid health
1746 clinic, ambulatory surgical center, or nursing home taken in
1747 lieu of or in settlement of a pending disciplinary case related
1748 to competence or character. If the applicant indicates that the
1749 disciplinary action is under appeal and submits a copy of the
1750 document initiating an appeal of the disciplinary action, the



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1751 department must state that the disciplinary action is under
1752 appeal if the disciplinary action is reported in the applicant's
1753 profile.

1754 (b) In addition to the information required under paragraph
1755 (a), each applicant for initial licensure ~~certification~~ or
1756 licensure ~~certification~~ renewal must provide the information
1757 required of licensees pursuant to s. 456.049.

1758 (2) The Department of Health shall send a notice to each
1759 person licensed ~~certified~~ under s. 464.012 at the licensee's
1760 ~~certificateholder's~~ last known address of record regarding the
1761 requirements for information to be submitted by advanced
1762 practice registered nurses ~~advanced registered nurse~~
1763 ~~practitioners~~ pursuant to this section in conjunction with the
1764 renewal of such license ~~certificate~~.

1765 (3) Each person licensed ~~certified~~ under s. 464.012 who has
1766 submitted information pursuant to subsection (1) must update
1767 that information in writing by notifying the Department of
1768 Health within 45 days after the occurrence of an event or the
1769 attainment of a status that is required to be reported by
1770 subsection (1). Failure to comply with the requirements of this
1771 subsection to update and submit information constitutes a ground
1772 for disciplinary action under chapter 464 and s. 456.072(1)(k).
1773 For failure to comply with the requirements of this subsection
1774 to update and submit information, the department or board, as
1775 appropriate, may:

1776 (a) Refuse to issue a license ~~certificate~~ to any person
1777 applying for initial licensure ~~certification~~ who fails to submit
1778 and update the required information.

1779 (b) Issue a citation to any certificateholder or licensee



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1780 who fails to submit and update the required information and may
1781 fine the certificateholder or licensee up to \$50 for each day
1782 that the certificateholder or licensee is not in compliance with
1783 this subsection. The citation must clearly state that the
1784 certificateholder or licensee may choose, in lieu of accepting
1785 the citation, to follow the procedure under s. 456.073. If the
1786 certificateholder or licensee disputes the matter in the
1787 citation, the procedures set forth in s. 456.073 must be
1788 followed. However, if the certificateholder or licensee does not
1789 dispute the matter in the citation with the department within 30
1790 days after the citation is served, the citation becomes a final
1791 order and constitutes discipline. Service of a citation may be
1792 made by personal service or certified mail, restricted delivery,
1793 to the subject at the certificateholder's or licensee's last
1794 known address.

1795 (4) (a) An applicant for initial licensure ~~certification~~
1796 under s. 464.012 must submit a set of fingerprints to the
1797 Department of Health on a form and under procedures specified by
1798 the department, along with payment in an amount equal to the
1799 costs incurred by the Department of Health for a national
1800 criminal history check of the applicant.

1801 (b) An applicant for renewed licensure ~~certification~~ who
1802 has not previously submitted a set of fingerprints to the
1803 Department of Health for purposes of certification must submit a
1804 set of fingerprints to the department as a condition of the
1805 initial renewal of his or her certificate after the effective
1806 date of this section. The applicant must submit the fingerprints
1807 on a form and under procedures specified by the department,
1808 along with payment in an amount equal to the costs incurred by



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1809 the Department of Health for a national criminal history check.
1810 For subsequent renewals, the applicant for renewed licensure
1811 ~~certification~~ must only submit information necessary to conduct
1812 a statewide criminal history check, along with payment in an
1813 amount equal to the costs incurred by the Department of Health
1814 for a statewide criminal history check.

1815 (c)1. The Department of Health shall submit the
1816 fingerprints provided by an applicant for initial licensure
1817 ~~certification~~ to the Florida Department of Law Enforcement for a
1818 statewide criminal history check, and the Florida Department of
1819 Law Enforcement shall forward the fingerprints to the Federal
1820 Bureau of Investigation for a national criminal history check of
1821 the applicant.

1822 2. The department shall submit the fingerprints provided by
1823 an applicant for the initial renewal of licensure ~~certification~~
1824 to the Florida Department of Law Enforcement for a statewide
1825 criminal history check, and the Florida Department of Law
1826 Enforcement shall forward the fingerprints to the Federal Bureau
1827 of Investigation for a national criminal history check for the
1828 initial renewal of the applicant's certificate after the
1829 effective date of this section.

1830 3. For any subsequent renewal of the applicant's
1831 certificate, the department shall submit the required
1832 information for a statewide criminal history check of the
1833 applicant to the Florida Department of Law Enforcement.

1834 (d) Any applicant for initial licensure ~~certification~~ or
1835 renewal of licensure ~~certification~~ as an advanced practice
1836 registered nurse ~~advanced registered nurse practitioner~~ who
1837 submits to the Department of Health a set of fingerprints and



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1838 information required for the criminal history check required
1839 under this section shall not be required to provide a subsequent
1840 set of fingerprints or other duplicate information required for
1841 a criminal history check to the Agency for Health Care
1842 Administration, the Department of Juvenile Justice, or the
1843 Department of Children and Families for employment or licensure
1844 with such agency or department, if the applicant has undergone a
1845 criminal history check as a condition of initial licensure
1846 ~~certification~~ or renewal of licensure ~~certification~~ as an
1847 advanced practice registered nurse ~~advanced registered nurse~~
1848 ~~practitioner~~ with the Department of Health, notwithstanding any
1849 other provision of law to the contrary. In lieu of such
1850 duplicate submission, the Agency for Health Care Administration,
1851 the Department of Juvenile Justice, and the Department of
1852 Children and Families shall obtain criminal history information
1853 for employment or licensure of persons licensed ~~certified~~ under
1854 s. 464.012 by such agency or department from the Department of
1855 Health's health care practitioner credentialing system.

1856 (5) Each person who is required to submit information
1857 pursuant to this section may submit additional information to
1858 the Department of Health. Such information may include, but is
1859 not limited to:

1860 (a) Information regarding publications in peer-reviewed
1861 professional literature within the previous 10 years.

1862 (b) Information regarding professional or community service
1863 activities or awards.

1864 (c) Languages, other than English, used by the applicant to
1865 communicate with patients or clients and identification of any
1866 translating service that may be available at the place where the



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1867 applicant primarily conducts his or her practice.

1868 (d) An indication of whether the person participates in the
1869 Medicaid program.

1870 Section 44. Subsection (2) of section 456.0392, Florida
1871 Statutes, is amended to read:

1872 456.0392 Prescription labeling.—

1873 (2) A prescription for a drug that is not listed as a
1874 controlled substance in chapter 893 which is written by an
1875 advanced practice registered nurse licensed ~~advanced registered~~
1876 ~~nurse practitioner certified~~ under s. 464.012 is presumed,
1877 subject to rebuttal, to be valid and within the parameters of
1878 the prescriptive authority delegated by a practitioner licensed
1879 under chapter 458, chapter 459, or chapter 466.

1880 Section 45. Paragraph (a) of subsection (1) and subsection
1881 (6) of section 456.041, Florida Statutes, are amended to read:

1882 456.041 Practitioner profile; creation.—

1883 (1) (a) The Department of Health shall compile the
1884 information submitted pursuant to s. 456.039 into a practitioner
1885 profile of the applicant submitting the information, except that
1886 the Department of Health shall develop a format to compile
1887 uniformly any information submitted under s. 456.039(4)(b).
1888 Beginning July 1, 2001, the Department of Health may compile the
1889 information submitted pursuant to s. 456.0391 into a
1890 practitioner profile of the applicant submitting the
1891 information. The protocol submitted pursuant to s. 464.012(3)
1892 must be included in the practitioner profile of the advanced
1893 practice registered nurse ~~advanced registered nurse~~
1894 ~~practitioner~~.

1895 (6) The Department of Health shall provide in each



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1896 practitioner profile for every physician or advanced practice
1897 registered nurse ~~advanced registered nurse practitioner~~
1898 terminated for cause from participating in the Medicaid program,
1899 pursuant to s. 409.913, or sanctioned by the Medicaid program a
1900 statement that the practitioner has been terminated from
1901 participating in the Florida Medicaid program or sanctioned by
1902 the Medicaid program.

1903 Section 46. Subsection (1) of section 456.048, Florida
1904 Statutes, is amended to read:

1905 456.048 Financial responsibility requirements for certain
1906 health care practitioners.—

1907 (1) As a prerequisite for licensure or license renewal, the
1908 Board of Acupuncture, the Board of Chiropractic Medicine, the
1909 Board of Podiatric Medicine, and the Board of Dentistry shall,
1910 by rule, require that all health care practitioners licensed
1911 under the respective board, and the Board of Medicine and the
1912 Board of Osteopathic Medicine shall, by rule, require that all
1913 anesthesiologist assistants licensed pursuant to s. 458.3475 or
1914 s. 459.023, and the Board of Nursing shall, by rule, require
1915 that advanced practice registered nurses licensed ~~advanced~~
1916 ~~registered nurse practitioners certified~~ under s. 464.012, and
1917 the department shall, by rule, require that midwives maintain
1918 medical malpractice insurance or provide proof of financial
1919 responsibility in an amount and in a manner determined by the
1920 board or department to be sufficient to cover claims arising out
1921 of the rendering of or failure to render professional care and
1922 services in this state.

1923 Section 47. Subsection (7) of section 456.072, Florida
1924 Statutes, is amended to read:



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1925 456.072 Grounds for discipline; penalties; enforcement.-
1926 (7) Notwithstanding subsection (2), upon a finding that a
1927 physician has prescribed or dispensed a controlled substance, or
1928 caused a controlled substance to be prescribed or dispensed, in
1929 a manner that violates the standard of practice set forth in s.
1930 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)
1931 or (s), or s. 466.028(1)(p) or (x), or that an advanced practice
1932 registered nurse ~~advanced registered nurse practitioner~~ has
1933 prescribed or dispensed a controlled substance, or caused a
1934 controlled substance to be prescribed or dispensed, in a manner
1935 that violates the standard of practice set forth in s.
1936 464.018(1)(n) or (p)6., the physician or advanced practice
1937 registered nurse ~~advanced registered nurse practitioner~~ shall be
1938 suspended for a period of not less than 6 months and pay a fine
1939 of not less than \$10,000 per count. Repeated violations shall
1940 result in increased penalties.

1941 Section 48. Paragraph (g) of subsection (1) and subsection
1942 (2) of section 456.44, Florida Statutes, are amended to read:
1943 456.44 Controlled substance prescribing.-
1944 (1) DEFINITIONS.-As used in this section, the term:
1945 (g) "Registrant" means a physician, a physician assistant,
1946 or an advanced practice registered nurse ~~advanced registered~~
1947 ~~nurse practitioner~~ who meets the requirements of subsection (2).
1948 (2) REGISTRATION.-A physician licensed under chapter 458,
1949 chapter 459, chapter 461, or chapter 466, a physician assistant
1950 licensed under chapter 458 or chapter 459, or an advanced
1951 practice registered nurse licensed ~~advanced registered nurse~~
1952 ~~practitioner certified~~ under part I of chapter 464 who
1953 prescribes any controlled substance, listed in Schedule II,



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1954 Schedule III, or Schedule IV as defined in s. 893.03, for the
1955 treatment of chronic nonmalignant pain, must:

1956 (a) Designate himself or herself as a controlled substance
1957 prescribing practitioner on his or her practitioner profile.

1958 (b) Comply with the requirements of this section and
1959 applicable board rules.

1960 Section 49. Paragraph (c) of subsection (2) of section
1961 458.3265, Florida Statutes, is amended to read:

1962 458.3265 Pain-management clinics.—

1963 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
1964 apply to any physician who provides professional services in a
1965 pain-management clinic that is required to be registered in
1966 subsection (1).

1967 (c) A physician, a physician assistant, or an advanced
1968 practice registered nurse ~~advanced registered nurse practitioner~~
1969 must perform a physical examination of a patient on the same day
1970 that the physician prescribes a controlled substance to a
1971 patient at a pain-management clinic. If the physician prescribes
1972 more than a 72-hour dose of controlled substances for the
1973 treatment of chronic nonmalignant pain, the physician must
1974 document in the patient's record the reason for prescribing that
1975 quantity.

1976 Section 50. Paragraph (dd) of subsection (1) of section
1977 458.331, Florida Statutes, is amended to read:

1978 458.331 Grounds for disciplinary action; action by the
1979 board and department.—

1980 (1) The following acts constitute grounds for denial of a
1981 license or disciplinary action, as specified in s. 456.072(2):

1982 (dd) Failing to supervise adequately the activities of



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1983 those physician assistants, paramedics, emergency medical
1984 technicians, advanced practice registered nurses ~~advanced~~
1985 ~~registered nurse practitioners~~, or anesthesiologist assistants
1986 acting under the supervision of the physician.

1987 Section 51. Paragraph (a) of subsection (1) and subsection
1988 (3) of section 458.348, Florida Statutes, are amended to read:
1989 458.348 Formal supervisory relationships, standing orders,
1990 and established protocols; notice; standards.—

1991 (1) NOTICE.—

1992 (a) When a physician enters into a formal supervisory
1993 relationship or standing orders with an emergency medical
1994 technician or paramedic licensed pursuant to s. 401.27, which
1995 relationship or orders contemplate the performance of medical
1996 acts, or when a physician enters into an established protocol
1997 with an advanced practice registered nurse ~~advanced registered~~
1998 ~~nurse practitioner~~, which protocol contemplates the performance
1999 of medical acts set forth in s. 464.012(3) and (4), the
2000 physician shall submit notice to the board. The notice shall
2001 contain a statement in substantially the following form:

2002
2003 I, ...(name and professional license number of
2004 physician)..., of ...(address of physician)... have hereby
2005 entered into a formal supervisory relationship, standing orders,
2006 or an established protocol with ...(number of persons)...
2007 emergency medical technician(s), ...(number of persons)...
2008 paramedic(s), or ...(number of persons)... advanced practice
2009 registered nurse(s) ~~advanced registered nurse practitioner(s)~~.

2010
2011 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—A



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2012 physician who supervises an advanced practice registered nurse
2013 ~~advanced registered nurse practitioner~~ or physician assistant at
2014 a medical office other than the physician's primary practice
2015 location, where the advanced practice registered nurse ~~advanced~~
2016 ~~registered nurse practitioner~~ or physician assistant is not
2017 under the onsite supervision of a supervising physician, must
2018 comply with the standards set forth in this subsection. For the
2019 purpose of this subsection, a physician's "primary practice
2020 location" means the address reflected on the physician's profile
2021 published pursuant to s. 456.041.

2022 (a) A physician who is engaged in providing primary health
2023 care services may not supervise more than four offices in
2024 addition to the physician's primary practice location. For the
2025 purpose of this subsection, "primary health care" means health
2026 care services that are commonly provided to patients without
2027 referral from another practitioner, including obstetrical and
2028 gynecological services, and excludes practices providing
2029 primarily dermatologic and skin care services, which include
2030 aesthetic skin care services.

2031 (b) A physician who is engaged in providing specialty
2032 health care services may not supervise more than two offices in
2033 addition to the physician's primary practice location. For the
2034 purpose of this subsection, "specialty health care" means health
2035 care services that are commonly provided to patients with a
2036 referral from another practitioner and excludes practices
2037 providing primarily dermatologic and skin care services, which
2038 include aesthetic skin care services.

2039 (c) A physician who supervises an advanced practice
2040 registered nurse ~~advanced registered nurse practitioner~~ or



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2041 physician assistant at a medical office other than the
2042 physician's primary practice location, where the advanced
2043 practice registered nurse ~~advanced registered nurse practitioner~~
2044 or physician assistant is not under the onsite supervision of a
2045 supervising physician and the services offered at the office are
2046 primarily dermatologic or skin care services, which include
2047 aesthetic skin care services other than plastic surgery, must
2048 comply with the standards listed in subparagraphs 1.-4.

2049 Notwithstanding s. 458.347(4)(e)6., a physician supervising a
2050 physician assistant pursuant to this paragraph may not be
2051 required to review and cosign charts or medical records prepared
2052 by such physician assistant.

2053 1. The physician shall submit to the board the addresses of
2054 all offices where he or she is supervising an advanced practice
2055 registered nurse ~~advanced registered nurse practitioner~~ or a
2056 physician's assistant which are not the physician's primary
2057 practice location.

2058 2. The physician must be board certified or board eligible
2059 in dermatology or plastic surgery as recognized by the board
2060 pursuant to s. 458.3312.

2061 3. All such offices that are not the physician's primary
2062 place of practice must be within 25 miles of the physician's
2063 primary place of practice or in a county that is contiguous to
2064 the county of the physician's primary place of practice.
2065 However, the distance between any of the offices may not exceed
2066 75 miles.

2067 4. The physician may supervise only one office other than
2068 the physician's primary place of practice except that until July
2069 1, 2011, the physician may supervise up to two medical offices



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2070 other than the physician's primary place of practice if the
2071 addresses of the offices are submitted to the board before July
2072 1, 2006. Effective July 1, 2011, the physician may supervise
2073 only one office other than the physician's primary place of
2074 practice, regardless of when the addresses of the offices were
2075 submitted to the board.

2076 (d) A physician who supervises an office in addition to the
2077 physician's primary practice location must conspicuously post in
2078 each of the physician's offices a current schedule of the
2079 regular hours when the physician is present in that office and
2080 the hours when the office is open while the physician is not
2081 present.

2082 (e) This subsection does not apply to health care services
2083 provided in facilities licensed under chapter 395 or in
2084 conjunction with a college of medicine, a college of nursing, an
2085 accredited graduate medical program, or a nursing education
2086 program; not-for-profit, family-planning clinics that are not
2087 licensed pursuant to chapter 390; rural and federally qualified
2088 health centers; health care services provided in a nursing home
2089 licensed under part II of chapter 400, an assisted living
2090 facility licensed under part I of chapter 429, a continuing care
2091 facility licensed under chapter 651, or a retirement community
2092 consisting of independent living units and a licensed nursing
2093 home or assisted living facility; anesthesia services provided
2094 in accordance with law; health care services provided in a
2095 designated rural health clinic; health care services provided to
2096 persons enrolled in a program designed to maintain elderly
2097 persons and persons with disabilities in a home or community-
2098 based setting; university primary care student health centers;



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2099 school health clinics; or health care services provided in
2100 federal, state, or local government facilities. Subsection (2)
2101 and this subsection do not apply to offices at which the
2102 exclusive service being performed is laser hair removal by an
2103 advanced practice registered nurse ~~advanced registered nurse~~
2104 ~~practitioner~~ or physician assistant.

2105 Section 52. Paragraph (c) of subsection (2) of section
2106 459.0137, Florida Statutes, is amended to read:

2107 459.0137 Pain-management clinics.—

2108 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
2109 apply to any osteopathic physician who provides professional
2110 services in a pain-management clinic that is required to be
2111 registered in subsection (1).

2112 (c) An osteopathic physician, a physician assistant, or an
2113 advanced practice registered nurse ~~advanced registered nurse~~
2114 ~~practitioner~~ must perform a physical examination of a patient on
2115 the same day that the physician prescribes a controlled
2116 substance to a patient at a pain-management clinic. If the
2117 osteopathic physician prescribes more than a 72-hour dose of
2118 controlled substances for the treatment of chronic nonmalignant
2119 pain, the osteopathic physician must document in the patient's
2120 record the reason for prescribing that quantity.

2121 Section 53. Paragraph (hh) of subsection (1) of section
2122 459.015, Florida Statutes, is amended to read:

2123 459.015 Grounds for disciplinary action; action by the
2124 board and department.—

2125 (1) The following acts constitute grounds for denial of a
2126 license or disciplinary action, as specified in s. 456.072(2):

2127 (hh) Failing to supervise adequately the activities of



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2128 those physician assistants, paramedics, emergency medical
2129 technicians, advanced practice registered nurses ~~advanced~~
2130 ~~registered nurse practitioners~~, anesthesiologist assistants, or
2131 other persons acting under the supervision of the osteopathic
2132 physician.

2133 Section 54. Paragraph (a) of subsection (1) and subsection
2134 (3) of section 459.025, Florida Statutes, are amended to read:

2135 459.025 Formal supervisory relationships, standing orders,
2136 and established protocols; notice; standards.—

2137 (1) NOTICE.—

2138 (a) When an osteopathic physician enters into a formal
2139 supervisory relationship or standing orders with an emergency
2140 medical technician or paramedic licensed pursuant to s. 401.27,
2141 which relationship or orders contemplate the performance of
2142 medical acts, or when an osteopathic physician enters into an
2143 established protocol with an advanced practice registered nurse
2144 ~~advanced registered nurse practitioner~~, which protocol
2145 contemplates the performance of medical acts or acts set forth
2146 in s. 464.012(3) and (4), the osteopathic physician shall submit
2147 notice to the board. The notice must contain a statement in
2148 substantially the following form:

2149
2150 I, ...(name and professional license number of osteopathic
2151 physician)..., of ...(address of osteopathic physician)... have
2152 hereby entered into a formal supervisory relationship, standing
2153 orders, or an established protocol with ...(number of
2154 persons)... emergency medical technician(s), ...(number of
2155 persons)... paramedic(s), or ...(number of persons)... advanced
2156 practice registered nurse(s) ~~advanced registered nurse~~



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2157 ~~practitioner(s).~~

2158 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

2159 An osteopathic physician who supervises an advanced practice
2160 registered nurse ~~advanced registered nurse practitioner~~ or
2161 physician assistant at a medical office other than the
2162 osteopathic physician's primary practice location, where the
2163 advanced practice registered nurse ~~advanced registered nurse~~
2164 ~~practitioner~~ or physician assistant is not under the onsite
2165 supervision of a supervising osteopathic physician, must comply
2166 with the standards set forth in this subsection. For the purpose
2167 of this subsection, an osteopathic physician's "primary practice
2168 location" means the address reflected on the physician's profile
2169 published pursuant to s. 456.041.

2170 (a) An osteopathic physician who is engaged in providing
2171 primary health care services may not supervise more than four
2172 offices in addition to the osteopathic physician's primary
2173 practice location. For the purpose of this subsection, "primary
2174 health care" means health care services that are commonly
2175 provided to patients without referral from another practitioner,
2176 including obstetrical and gynecological services, and excludes
2177 practices providing primarily dermatologic and skin care
2178 services, which include aesthetic skin care services.

2179 (b) An osteopathic physician who is engaged in providing
2180 specialty health care services may not supervise more than two
2181 offices in addition to the osteopathic physician's primary
2182 practice location. For the purpose of this subsection,
2183 "specialty health care" means health care services that are
2184 commonly provided to patients with a referral from another
2185 practitioner and excludes practices providing primarily



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2186 dermatologic and skin care services, which include aesthetic
2187 skin care services.

2188 (c) An osteopathic physician who supervises an advanced
2189 practice registered nurse ~~advanced registered nurse practitioner~~
2190 or physician assistant at a medical office other than the
2191 osteopathic physician's primary practice location, where the
2192 advanced practice registered nurse ~~advanced registered nurse~~
2193 ~~practitioner~~ or physician assistant is not under the onsite
2194 supervision of a supervising osteopathic physician and the
2195 services offered at the office are primarily dermatologic or
2196 skin care services, which include aesthetic skin care services
2197 other than plastic surgery, must comply with the standards
2198 listed in subparagraphs 1.-4. Notwithstanding s.
2199 459.022(4)(e)6., an osteopathic physician supervising a
2200 physician assistant pursuant to this paragraph may not be
2201 required to review and cosign charts or medical records prepared
2202 by such physician assistant.

2203 1. The osteopathic physician shall submit to the Board of
2204 Osteopathic Medicine the addresses of all offices where he or
2205 she is supervising or has a protocol with an advanced practice
2206 registered nurse ~~advanced registered nurse practitioner~~ or a
2207 physician ~~physician's~~ assistant which are not the osteopathic
2208 physician's primary practice location.

2209 2. The osteopathic physician must be board certified or
2210 board eligible in dermatology or plastic surgery as recognized
2211 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

2212 3. All such offices that are not the osteopathic
2213 physician's primary place of practice must be within 25 miles of
2214 the osteopathic physician's primary place of practice or in a



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2215 county that is contiguous to the county of the osteopathic
2216 physician's primary place of practice. However, the distance
2217 between any of the offices may not exceed 75 miles.

2218 4. The osteopathic physician may supervise only one office
2219 other than the osteopathic physician's primary place of practice
2220 except that until July 1, 2011, the osteopathic physician may
2221 supervise up to two medical offices other than the osteopathic
2222 physician's primary place of practice if the addresses of the
2223 offices are submitted to the Board of Osteopathic Medicine
2224 before July 1, 2006. Effective July 1, 2011, the osteopathic
2225 physician may supervise only one office other than the
2226 osteopathic physician's primary place of practice, regardless of
2227 when the addresses of the offices were submitted to the Board of
2228 Osteopathic Medicine.

2229 (d) An osteopathic physician who supervises an office in
2230 addition to the osteopathic physician's primary practice
2231 location must conspicuously post in each of the osteopathic
2232 physician's offices a current schedule of the regular hours when
2233 the osteopathic physician is present in that office and the
2234 hours when the office is open while the osteopathic physician is
2235 not present.

2236 (e) This subsection does not apply to health care services
2237 provided in facilities licensed under chapter 395 or in
2238 conjunction with a college of medicine or college of nursing or
2239 an accredited graduate medical or nursing education program;
2240 offices where the only service being performed is hair removal
2241 by an advanced practice registered nurse ~~advanced registered~~
2242 ~~nurse practitioner~~ or physician assistant; not-for-profit,
2243 family-planning clinics that are not licensed pursuant to



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2244 chapter 390; rural and federally qualified health centers;
2245 health care services provided in a nursing home licensed under
2246 part II of chapter 400, an assisted living facility licensed
2247 under part I of chapter 429, a continuing care facility licensed
2248 under chapter 651, or a retirement community consisting of
2249 independent living units and either a licensed nursing home or
2250 assisted living facility; anesthesia services provided in
2251 accordance with law; health care services provided in a
2252 designated rural health clinic; health care services provided to
2253 persons enrolled in a program designed to maintain elderly
2254 persons and persons with disabilities in a home or community-
2255 based setting; university primary care student health centers;
2256 school health clinics; or health care services provided in
2257 federal, state, or local government facilities.

2258 Section 55. Subsection (2) of section 464.003, Florida
2259 Statutes, is amended to read:

2260 464.003 Definitions.—As used in this part, the term:

2261 (2) "Advanced or specialized nursing practice" means, in
2262 addition to the practice of professional nursing, the
2263 performance of advanced-level nursing acts approved by the board
2264 which, by virtue of postbasic specialized education, training,
2265 and experience, are appropriately performed by an advanced
2266 practice registered nurse ~~advanced registered nurse~~
2267 ~~practitioner~~. Within the context of advanced or specialized
2268 nursing practice, the advanced practice registered nurse
2269 ~~advanced registered nurse practitioner~~ may perform acts of
2270 nursing diagnosis and nursing treatment of alterations of the
2271 health status. The advanced practice registered nurse ~~advanced~~
2272 ~~registered nurse practitioner~~ may also perform acts of medical



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2273 diagnosis and treatment, prescription, and operation as
2274 authorized within the framework of an established supervisory
2275 protocol. The department may, by rule, require that a copy of
2276 the protocol be filed with the department along with the notice
2277 required by s. 458.348.

2278 Section 56. Subsection (2) of section 464.004, Florida
2279 Statutes, is amended to read:

2280 464.004 Board of Nursing; membership; appointment; terms.-

2281 (2) Seven members of the board must be registered nurses
2282 who are residents of this state and who have been engaged in the
2283 practice of professional nursing for at least 4 years, including
2284 at least one advanced practice registered nurse ~~advanced~~
2285 ~~registered nurse practitioner~~, one nurse educator member of an
2286 approved program, and one nurse executive. These seven board
2287 members should be representative of the diverse areas of
2288 practice within the nursing profession. In addition, three
2289 members of the board must be licensed practical nurses who are
2290 residents of this state and who have been actively engaged in
2291 the practice of practical nursing for at least 4 years prior to
2292 their appointment. The remaining three members must be residents
2293 of the state who have never been licensed as nurses and who are
2294 in no way connected with the practice of nursing. No person may
2295 be appointed as a lay member who is in any way connected with,
2296 or has any financial interest in, any health care facility,
2297 agency, or insurer. At least one member of the board must be 60
2298 years of age or older.

2299 Section 57. Paragraph (b) of subsection (3) of section
2300 464.013, Florida Statutes, is amended to read:

2301 464.013 Renewal of license or certificate.-



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2302 (3) The board shall by rule prescribe up to 30 hours of
2303 continuing education biennially as a condition for renewal of a
2304 license or certificate.

2305 (b) Notwithstanding the exemption in paragraph (a), as part
2306 of the maximum 30 hours of continuing education hours required
2307 under this subsection, advanced practice registered nurses
2308 licensed ~~advanced registered nurse practitioners certified~~ under
2309 s. 464.012 must complete at least 3 hours of continuing
2310 education on the safe and effective prescription of controlled
2311 substances. Such continuing education courses must be offered by
2312 a statewide professional association of physicians in this state
2313 accredited to provide educational activities designated for the
2314 American Medical Association Physician's Recognition Award
2315 Category 1 credit, the American Nurses Credentialing Center, the
2316 American Association of Nurse Anesthetists, or the American
2317 Association of Nurse Practitioners and may be offered in a
2318 distance learning format.

2319 Section 58. Subsections (5) and (8), of section 464.015,
2320 Florida Statutes, are amended to read:

2321 464.015 Titles and abbreviations; restrictions; penalty.—

2322 (5) Only persons who hold valid licenses ~~certificates~~ to
2323 practice as clinical nurse specialists in this state may use the
2324 title "Clinical Nurse Specialist" and the abbreviation "C.N.S."

2325 (8) Only persons who hold valid licenses ~~certificates~~ to
2326 practice as advanced practice registered nurses ~~advanced~~
2327 ~~registered nurse practitioners~~ in this state may use the title
2328 "Advanced Practice Registered Nurse" ~~"Advanced Registered Nurse~~
2329 ~~Practitioner"~~ and the abbreviation "A.P.R.N." ~~"A.R.N.P."~~

2330 Section 59. Subsection (9) of section 464.015, Florida



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2331 Statutes, as amended by section 9 of chapter 2016-139, Laws of
2332 Florida, is amended to read:

2333 464.015 Titles and abbreviations; restrictions; penalty.—

2334 (9) A person may not practice or advertise as, or assume
2335 the title of, registered nurse, licensed practical nurse,
2336 clinical nurse specialist, certified registered nurse
2337 anesthetist, certified nurse midwife, certified nurse
2338 practitioner, or advanced practice registered nurse ~~advanced~~
2339 ~~registered nurse practitioner~~ or use the abbreviation "R.N.,"
2340 "L.P.N.," "C.N.S.," "C.R.N.A.," "C.N.M.," "C.N.P.," or
2341 "A.P.R.N.," "~~A.R.N.P.~~" or take any other action that would lead
2342 the public to believe that person was authorized by law to
2343 practice as such or is performing nursing services pursuant to
2344 the exception set forth in s. 464.022(8) unless that person is
2345 licensed, certified, or authorized pursuant to s. 464.0095 to
2346 practice as such.

2347 Section 60. Paragraph (a) of subsection (2) of section
2348 464.016, Florida Statutes, is amended to read:

2349 464.016 Violations and penalties.—

2350 (2) Each of the following acts constitutes a misdemeanor of
2351 the first degree, punishable as provided in s. 775.082 or s.
2352 775.083:

2353 (a) Using the name or title "Nurse," "Registered Nurse,"
2354 "Licensed Practical Nurse," "Clinical Nurse Specialist,"
2355 "Certified Registered Nurse Anesthetist," "Certified Nurse
2356 Practitioner," "Certified Nurse Midwife," "Advanced Practice
2357 Registered Nurse," "~~Advanced Registered Nurse Practitioner~~," or
2358 any other name or title which implies that a person was licensed
2359 or certified as same, unless such person is duly licensed or



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2360 certified.

2361 Section 61. Paragraphs (p) and (q) of subsection (1) of
2362 section 464.018, Florida Statutes, are amended to read:

2363 464.018 Disciplinary actions.—

2364 (1) The following acts constitute grounds for denial of a
2365 license or disciplinary action, as specified in s. 456.072(2):

2366 (p) For an advanced practice registered nurse ~~advanced~~
2367 ~~registered nurse practitioner~~:

2368 1. Presigning blank prescription forms.

2369 2. Prescribing for office use any medicinal drug appearing
2370 on Schedule II in chapter 893.

2371 3. Prescribing, ordering, dispensing, administering,
2372 supplying, selling, or giving a drug that is an amphetamine, a
2373 sympathomimetic amine drug, or a compound designated in s.
2374 893.03(2) as a Schedule II controlled substance, to or for any
2375 person except for:

2376 a. The treatment of narcolepsy; hyperkinesis; behavioral
2377 syndrome in children characterized by the developmentally
2378 inappropriate symptoms of moderate to severe distractibility,
2379 short attention span, hyperactivity, emotional lability, and
2380 impulsivity; or drug-induced brain dysfunction.

2381 b. The differential diagnostic psychiatric evaluation of
2382 depression or the treatment of depression shown to be refractory
2383 to other therapeutic modalities.

2384 c. The clinical investigation of the effects of such drugs
2385 or compounds when an investigative protocol is submitted to,
2386 reviewed by, and approved by the department before such
2387 investigation is begun.

2388 4. Prescribing, ordering, dispensing, administering,



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2389 supplying, selling, or giving growth hormones, testosterone or
2390 its analogs, human chorionic gonadotropin (HCG), or other
2391 hormones for the purpose of muscle building or to enhance
2392 athletic performance. As used in this subparagraph, the term
2393 "muscle building" does not include the treatment of injured
2394 muscle. A prescription written for the drug products identified
2395 in this subparagraph may be dispensed by a pharmacist with the
2396 presumption that the prescription is for legitimate medical use.

2397 5. Promoting or advertising on any prescription form a
2398 community pharmacy unless the form also states: "This
2399 prescription may be filled at any pharmacy of your choice."

2400 6. Prescribing, dispensing, administering, mixing, or
2401 otherwise preparing a legend drug, including a controlled
2402 substance, other than in the course of his or her professional
2403 practice. For the purposes of this subparagraph, it is legally
2404 presumed that prescribing, dispensing, administering, mixing, or
2405 otherwise preparing legend drugs, including all controlled
2406 substances, inappropriately or in excessive or inappropriate
2407 quantities is not in the best interest of the patient and is not
2408 in the course of the advanced practice registered nurse's
2409 ~~advanced registered nurse practitioner's~~ professional practice,
2410 without regard to his or her intent.

2411 7. Prescribing, dispensing, or administering a medicinal
2412 drug appearing on any schedule set forth in chapter 893 to
2413 himself or herself, except a drug prescribed, dispensed, or
2414 administered to the advanced practice registered nurse ~~advanced~~
2415 ~~registered nurse practitioner~~ by another practitioner authorized
2416 to prescribe, dispense, or administer medicinal drugs.

2417 8. Prescribing, ordering, dispensing, administering,



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2418 supplying, selling, or giving amygdalin (laetrile) to any
2419 person.

2420 9. Dispensing a substance designated in s. 893.03(2) or (3)
2421 as a substance controlled in Schedule II or Schedule III,
2422 respectively, in violation of s. 465.0276.

2423 10. Promoting or advertising through any communication
2424 medium the use, sale, or dispensing of a substance designated in
2425 s. 893.03 as a controlled substance.

2426 (q) For a psychiatric nurse:

2427 1. Presigning blank prescription forms.

2428 2. Prescribing for office use any medicinal drug appearing
2429 in Schedule II of s. 893.03.

2430 3. Prescribing, ordering, dispensing, administering,
2431 supplying, selling, or giving a drug that is an amphetamine, a
2432 sympathomimetic amine drug, or a compound designated in s.
2433 893.03(2) as a Schedule II controlled substance, to or for any
2434 person except for:

2435 a. The treatment of narcolepsy; hyperkinesis; behavioral
2436 syndrome in children characterized by the developmentally
2437 inappropriate symptoms of moderate to severe distractibility,
2438 short attention span, hyperactivity, emotional lability, and
2439 impulsivity; or drug-induced brain dysfunction.

2440 b. The differential diagnostic psychiatric evaluation of
2441 depression or the treatment of depression shown to be refractory
2442 to other therapeutic modalities.

2443 c. The clinical investigation of the effects of such drugs
2444 or compounds when an investigative protocol is submitted to,
2445 reviewed by, and approved by the department before such
2446 investigation is begun.



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2447 4. Prescribing, ordering, dispensing, administering,
2448 supplying, selling, or giving growth hormones, testosterone or
2449 its analogs, human chorionic gonadotropin (HCG), or other
2450 hormones for the purpose of muscle building or to enhance
2451 athletic performance. As used in this subparagraph, the term
2452 "muscle building" does not include the treatment of injured
2453 muscle. A prescription written for the drug products identified
2454 in this subparagraph may be dispensed by a pharmacist with the
2455 presumption that the prescription is for legitimate medical use.

2456 5. Promoting or advertising on any prescription form a
2457 community pharmacy unless the form also states: "This
2458 prescription may be filled at any pharmacy of your choice."

2459 6. Prescribing, dispensing, administering, mixing, or
2460 otherwise preparing a legend drug, including a controlled
2461 substance, other than in the course of his or her professional
2462 practice. For the purposes of this subparagraph, it is legally
2463 presumed that prescribing, dispensing, administering, mixing, or
2464 otherwise preparing legend drugs, including all controlled
2465 substances, inappropriately or in excessive or inappropriate
2466 quantities is not in the best interest of the patient and is not
2467 in the course of the advanced practice registered nurse's
2468 ~~advanced registered nurse practitioner's~~ professional practice,
2469 without regard to his or her intent.

2470 7. Prescribing, dispensing, or administering a medicinal
2471 drug appearing on any schedule set forth in chapter 893 to
2472 himself or herself, except a drug prescribed, dispensed, or
2473 administered to the psychiatric nurse by another practitioner
2474 authorized to prescribe, dispense, or administer medicinal
2475 drugs.



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2476 8. Prescribing, ordering, dispensing, administering,
2477 supplying, selling, or giving amygdalin (laetrile) to any
2478 person.

2479 9. Dispensing a substance designated in s. 893.03(2) or (3)
2480 as a substance controlled in Schedule II or Schedule III,
2481 respectively, in violation of s. 465.0276.

2482 10. Promoting or advertising through any communication
2483 medium the use, sale, or dispensing of a substance designated in
2484 s. 893.03 as a controlled substance.

2485 Section 62. Paragraph (a) of subsection (4) of section
2486 464.0205, Florida Statutes, is amended to read:

2487 464.0205 Retired volunteer nurse certificate.—

2488 (4) A retired volunteer nurse receiving certification from
2489 the board shall:

2490 (a) Work under the direct supervision of the director of a
2491 county health department, a physician working under a limited
2492 license issued pursuant to s. 458.317 or s. 459.0075, a
2493 physician licensed under chapter 458 or chapter 459, an advanced
2494 practice registered nurse licensed ~~advanced registered nurse~~
2495 ~~practitioner certified~~ under s. 464.012, or a registered nurse
2496 licensed under s. 464.008 or s. 464.009.

2497 Section 63. Subsection (2) of section 467.003, Florida
2498 Statutes, is amended to read:

2499 467.003 Definitions.—As used in this chapter, unless the
2500 context otherwise requires:

2501 (2) "Certified nurse midwife" means a person who is
2502 licensed as an advanced practice registered nurse ~~advanced~~
2503 ~~registered nurse practitioner~~ under part I of chapter 464 and
2504 who is certified to practice midwifery by the American College



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2505 of Nurse Midwives.

2506 Section 64. Subsection (1) of section 480.0475, Florida
2507 Statutes, is amended to read:

2508 480.0475 Massage establishments; prohibited practices.—

2509 (1) A person may not operate a massage establishment
2510 between the hours of midnight and 5 a.m. This subsection does
2511 not apply to a massage establishment:

2512 (a) Located on the premises of a health care facility as
2513 defined in s. 408.07; a health care clinic as defined in s.
2514 400.9905(4); a hotel, motel, or bed and breakfast inn, as those
2515 terms are defined in s. 509.242; a timeshare property as defined
2516 in s. 721.05; a public airport as defined in s. 330.27; or a
2517 pari-mutuel facility as defined in s. 550.002;

2518 (b) In which every massage performed between the hours of
2519 midnight and 5 a.m. is performed by a massage therapist acting
2520 under the prescription of a physician or physician assistant
2521 licensed under chapter 458, an osteopathic physician or
2522 physician assistant licensed under chapter 459, a chiropractic
2523 physician licensed under chapter 460, a podiatric physician
2524 licensed under chapter 461, an advanced practice registered
2525 nurse ~~advanced registered nurse practitioner~~ licensed under part
2526 I of chapter 464, or a dentist licensed under chapter 466; or

2527 (c) Operating during a special event if the county or
2528 municipality in which the establishment operates has approved
2529 such operation during the special event.

2530 Section 65. Subsection (7) of section 483.041, Florida
2531 Statutes, is amended to read:

2532 483.041 Definitions.—As used in this part, the term:

2533 (7) "Licensed practitioner" means a physician licensed



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2534 under chapter 458, chapter 459, chapter 460, or chapter 461; a
2535 certified optometrist licensed under chapter 463; a dentist
2536 licensed under chapter 466; a person licensed under chapter 462;
2537 a consultant pharmacist or doctor of pharmacy licensed under
2538 chapter 465; or an advanced practice registered nurse ~~advanced~~
2539 ~~registered nurse practitioner~~ licensed under part I of chapter
2540 464; or a duly licensed practitioner from another state licensed
2541 under similar statutes who orders examinations on materials or
2542 specimens for nonresidents of the State of Florida, but who
2543 reside in the same state as the requesting licensed
2544 practitioner.

2545 Section 66. Subsection (5) of section 483.801, Florida
2546 Statutes, is amended to read:

2547 483.801 Exemptions.—This part applies to all clinical
2548 laboratories and clinical laboratory personnel within this
2549 state, except:

2550 (5) Advanced practice registered nurses ~~advanced registered~~
2551 ~~nurse practitioners~~ licensed under part I of chapter 464 who
2552 perform provider-performed microscopy procedures (PPMP) in an
2553 exclusive-use laboratory setting.

2554 Section 67. Paragraph (a) of subsection (11) of section
2555 486.021, Florida Statutes, is amended to read:

2556 486.021 Definitions.—In this chapter, unless the context
2557 otherwise requires, the term:

2558 (11) "Practice of physical therapy" means the performance
2559 of physical therapy assessments and the treatment of any
2560 disability, injury, disease, or other health condition of human
2561 beings, or the prevention of such disability, injury, disease,
2562 or other condition of health, and rehabilitation as related



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2563 thereto by the use of the physical, chemical, and other
2564 properties of air; electricity; exercise; massage; the
2565 performance of acupuncture only upon compliance with the
2566 criteria set forth by the Board of Medicine, when no penetration
2567 of the skin occurs; the use of radiant energy, including
2568 ultraviolet, visible, and infrared rays; ultrasound; water; the
2569 use of apparatus and equipment in the application of the
2570 foregoing or related thereto; the performance of tests of
2571 neuromuscular functions as an aid to the diagnosis or treatment
2572 of any human condition; or the performance of electromyography
2573 as an aid to the diagnosis of any human condition only upon
2574 compliance with the criteria set forth by the Board of Medicine.

2575 (a) A physical therapist may implement a plan of treatment
2576 developed by the physical therapist for a patient or provided
2577 for a patient by a practitioner of record or by an advanced
2578 practice registered nurse ~~advanced registered nurse practitioner~~
2579 licensed under s. 464.012. The physical therapist shall refer
2580 the patient to or consult with a practitioner of record if the
2581 patient's condition is found to be outside the scope of physical
2582 therapy. If physical therapy treatment for a patient is required
2583 beyond 30 days for a condition not previously assessed by a
2584 practitioner of record, the physical therapist shall have a
2585 practitioner of record review and sign the plan. The requirement
2586 that a physical therapist have a practitioner of record review
2587 and sign a plan of treatment does not apply when a patient has
2588 been physically examined by a physician licensed in another
2589 state, the patient has been diagnosed by the physician as having
2590 a condition for which physical therapy is required, and the
2591 physical therapist is treating the condition. For purposes of



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2592 this paragraph, a health care practitioner licensed under
2593 chapter 458, chapter 459, chapter 460, chapter 461, or chapter
2594 466 and engaged in active practice is eligible to serve as a
2595 practitioner of record.

2596 Section 68. Paragraph (d) of subsection (1) of section
2597 490.012, Florida Statutes, is amended to read:

2598 490.012 Violations; penalties; injunction.-

2599 (1)

2600 (d) A person may not ~~No person shall~~ hold herself or
2601 himself out by any title or description incorporating the word,
2602 or a permutation of the word, "psychotherapy" unless such person
2603 holds a valid, active license under chapter 458, chapter 459,
2604 chapter 490, or chapter 491, or such person is licensed
2605 ~~certified~~ as an advanced practice registered nurse under
2606 ~~advanced registered nurse practitioner, pursuant to s. 464.012,~~
2607 who has been determined by the Board of Nursing as a specialist
2608 in psychiatric mental health.

2609 Section 69. Subsection (1) of section 491.0057, Florida
2610 Statutes, is amended to read:

2611 491.0057 Dual licensure as a marriage and family
2612 therapist.-The department shall license as a marriage and family
2613 therapist any person who demonstrates to the board that he or
2614 she:

2615 (1) Holds a valid, active license as a psychologist under
2616 chapter 490 or as a clinical social worker or mental health
2617 counselor under this chapter, or is licensed ~~certified~~ under s.
2618 464.012 as an advanced practice registered nurse ~~advanced~~
2619 ~~registered nurse practitioner~~ who has been determined by the
2620 Board of Nursing as a specialist in psychiatric mental health.



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2621 Section 70. Paragraph (d) of subsection (1) and subsection
2622 (2) of section 491.012, Florida Statutes, are amended to read:
2623 491.012 Violations; penalty; injunction.—

2624 (1) It is unlawful and a violation of this chapter for any
2625 person to:

2626 (d) Use the terms psychotherapist, sex therapist, or
2627 juvenile sexual offender therapist unless such person is
2628 licensed pursuant to this chapter or chapter 490, or is licensed
2629 ~~certified~~ under s. 464.012 as an advanced practice registered
2630 nurse ~~advanced registered nurse practitioner~~ who has been
2631 determined by the Board of Nursing as a specialist in
2632 psychiatric mental health and the use of such terms is within
2633 the scope of her or his practice based on education, training,
2634 and licensure.

2635 (2) It is unlawful and a violation of this chapter for any
2636 person to describe her or his services using the following terms
2637 or any derivative thereof, unless such person holds a valid,
2638 active license under this chapter or chapter 490, or is licensed
2639 ~~certified~~ under s. 464.012 as an advanced practice registered
2640 nurse ~~advanced registered nurse practitioner~~ who has been
2641 determined by the Board of Nursing as a specialist in
2642 psychiatric mental health and the use of such terms is within
2643 the scope of her or his practice based on education, training,
2644 and licensure:

- 2645 (a) "Psychotherapy."
- 2646 (b) "Sex therapy."
- 2647 (c) "Sex counseling."
- 2648 (d) "Clinical social work."
- 2649 (e) "Psychiatric social work."



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- 2650 (f) "Marriage and family therapy."
- 2651 (g) "Marriage and family counseling."
- 2652 (h) "Marriage counseling."
- 2653 (i) "Family counseling."
- 2654 (j) "Mental health counseling."

2655 Section 71. Subsection (2) of section 493.6108, Florida
2656 Statutes, is amended to read:

2657 493.6108 Investigation of applicants by Department of
2658 Agriculture and Consumer Services.—

2659 (2) In addition to subsection (1), the department shall
2660 make an investigation of the general physical fitness of the
2661 Class "G" applicant to bear a weapon or firearm. Determination
2662 of physical fitness shall be certified by a physician or
2663 physician assistant currently licensed pursuant to chapter 458,
2664 chapter 459, or any similar law of another state or authorized
2665 to act as a licensed physician by a federal agency or department
2666 or by an advanced practice registered nurse ~~advanced registered~~
2667 ~~nurse-practitioner~~ currently licensed pursuant to chapter 464.
2668 Such certification shall be submitted on a form provided by the
2669 department.

2670 Section 72. Paragraph (b) of subsection (1) of section
2671 627.357, Florida Statutes, is amended to read:

2672 627.357 Medical malpractice self-insurance.—

2673 (1) DEFINITIONS.—As used in this section, the term:

2674 (b) "Health care provider" means any:

2675 1. Hospital licensed under chapter 395.

2676 2. Physician licensed, or physician assistant licensed,
2677 under chapter 458.

2678 3. Osteopathic physician or physician assistant licensed



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2679 under chapter 459.

2680 4. Podiatric physician licensed under chapter 461.

2681 5. Health maintenance organization certificated under part

2682 I of chapter 641.

2683 6. Ambulatory surgical center licensed under chapter 395.

2684 7. Chiropractic physician licensed under chapter 460.

2685 8. Psychologist licensed under chapter 490.

2686 9. Optometrist licensed under chapter 463.

2687 10. Dentist licensed under chapter 466.

2688 11. Pharmacist licensed under chapter 465.

2689 12. Registered nurse, licensed practical nurse, or advanced

2690 practice registered nurse ~~advanced registered nurse practitioner~~

2691 licensed or registered under part I of chapter 464.

2692 13. Other medical facility.

2693 14. Professional association, partnership, corporation,

2694 joint venture, or other association established by the

2695 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,

2696 10., 11., and 12. for professional activity.

2697 Section 73. Subsection (6) of section 627.6471, Florida

2698 Statutes, is amended to read:

2699 627.6471 Contracts for reduced rates of payment;

2700 limitations; coinsurance and deductibles.—

2701 (6) If psychotherapeutic services are covered by a policy

2702 issued by the insurer, the insurer shall provide eligibility

2703 criteria for each group of health care providers licensed under

2704 chapter 458, chapter 459, chapter 490, or chapter 491, which

2705 include psychotherapy within the scope of their practice as

2706 provided by law, or for any person who is licensed ~~certified~~ as

2707 an advanced practice registered nurse ~~advanced registered nurse~~



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2708 ~~practitioner~~ in psychiatric mental health under s. 464.012. When
2709 psychotherapeutic services are covered, eligibility criteria
2710 shall be established by the insurer to be included in the
2711 insurer's criteria for selection of network providers. The
2712 insurer may not discriminate against a health care provider by
2713 excluding such practitioner from its provider network solely on
2714 the basis of the practitioner's license.

2715 Section 74. Subsections (15) and (17) of section 627.6472,
2716 Florida Statutes, are amended to read:

2717 627.6472 Exclusive provider organizations.—

2718 (15) If psychotherapeutic services are covered by a policy
2719 issued by the insurer, the insurer shall provide eligibility
2720 criteria for all groups of health care providers licensed under
2721 chapter 458, chapter 459, chapter 490, or chapter 491, which
2722 include psychotherapy within the scope of their practice as
2723 provided by law, or for any person who is licensed ~~certified~~ as
2724 an advanced practice registered nurse ~~advanced registered nurse~~
2725 ~~practitioner~~ in psychiatric mental health under s. 464.012. When
2726 psychotherapeutic services are covered, eligibility criteria
2727 shall be established by the insurer to be included in the
2728 insurer's criteria for selection of network providers. The
2729 insurer may not discriminate against a health care provider by
2730 excluding such practitioner from its provider network solely on
2731 the basis of the practitioner's license.

2732 (17) An exclusive provider organization shall not
2733 discriminate with respect to participation as to any advanced
2734 practice registered nurse ~~advanced registered nurse practitioner~~
2735 licensed ~~and certified~~ pursuant to s. 464.012, who is acting
2736 within the scope of such license ~~and certification~~, solely on



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2737 the basis of such license ~~or certification~~. This subsection
2738 shall not be construed to prohibit a plan from including
2739 providers only to the extent necessary to meet the needs of the
2740 plan's enrollees or from establishing any measure designed to
2741 maintain quality and control costs consistent with the
2742 responsibilities of the plan.

2743 Section 75. Paragraph (a) of subsection (1) of section
2744 627.736, Florida Statutes, is amended to read:

2745 627.736 Required personal injury protection benefits;
2746 exclusions; priority; claims.—

2747 (1) REQUIRED BENEFITS.—An insurance policy complying with
2748 the security requirements of s. 627.733 must provide personal
2749 injury protection to the named insured, relatives residing in
2750 the same household, persons operating the insured motor vehicle,
2751 passengers in the motor vehicle, and other persons struck by the
2752 motor vehicle and suffering bodily injury while not an occupant
2753 of a self-propelled vehicle, subject to subsection (2) and
2754 paragraph (4) (e), to a limit of \$10,000 in medical and
2755 disability benefits and \$5,000 in death benefits resulting from
2756 bodily injury, sickness, disease, or death arising out of the
2757 ownership, maintenance, or use of a motor vehicle as follows:

2758 (a) *Medical benefits*.—Eighty percent of all reasonable
2759 expenses for medically necessary medical, surgical, X-ray,
2760 dental, and rehabilitative services, including prosthetic
2761 devices and medically necessary ambulance, hospital, and nursing
2762 services if the individual receives initial services and care
2763 pursuant to subparagraph 1. within 14 days after the motor
2764 vehicle accident. The medical benefits provide reimbursement
2765 only for:



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2766 1. Initial services and care that are lawfully provided,
2767 supervised, ordered, or prescribed by a physician licensed under
2768 chapter 458 or chapter 459, a dentist licensed under chapter
2769 466, or a chiropractic physician licensed under chapter 460 or
2770 that are provided in a hospital or in a facility that owns, or
2771 is wholly owned by, a hospital. Initial services and care may
2772 also be provided by a person or entity licensed under part III
2773 of chapter 401 which provides emergency transportation and
2774 treatment.

2775 2. Upon referral by a provider described in subparagraph
2776 1., followup services and care consistent with the underlying
2777 medical diagnosis rendered pursuant to subparagraph 1. which may
2778 be provided, supervised, ordered, or prescribed only by a
2779 physician licensed under chapter 458 or chapter 459, a
2780 chiropractic physician licensed under chapter 460, a dentist
2781 licensed under chapter 466, or, to the extent permitted by
2782 applicable law and under the supervision of such physician,
2783 osteopathic physician, chiropractic physician, or dentist, by a
2784 physician assistant licensed under chapter 458 or chapter 459 or
2785 an advanced practice registered nurse ~~advanced registered nurse~~
2786 ~~practitioner~~ licensed under chapter 464. Followup services and
2787 care may also be provided by the following persons or entities:

2788 a. A hospital or ambulatory surgical center licensed under
2789 chapter 395.

2790 b. An entity wholly owned by one or more physicians
2791 licensed under chapter 458 or chapter 459, chiropractic
2792 physicians licensed under chapter 460, or dentists licensed
2793 under chapter 466 or by such practitioners and the spouse,
2794 parent, child, or sibling of such practitioners.



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2795 c. An entity that owns or is wholly owned, directly or
2796 indirectly, by a hospital or hospitals.

2797 d. A physical therapist licensed under chapter 486, based
2798 upon a referral by a provider described in this subparagraph.

2799 e. A health care clinic licensed under part X of chapter
2800 400 which is accredited by an accrediting organization whose
2801 standards incorporate comparable regulations required by this
2802 state, or

2803 (I) Has a medical director licensed under chapter 458,
2804 chapter 459, or chapter 460;

2805 (II) Has been continuously licensed for more than 3 years
2806 or is a publicly traded corporation that issues securities
2807 traded on an exchange registered with the United States
2808 Securities and Exchange Commission as a national securities
2809 exchange; and

2810 (III) Provides at least four of the following medical
2811 specialties:

2812 (A) General medicine.

2813 (B) Radiography.

2814 (C) Orthopedic medicine.

2815 (D) Physical medicine.

2816 (E) Physical therapy.

2817 (F) Physical rehabilitation.

2818 (G) Prescribing or dispensing outpatient prescription
2819 medication.

2820 (H) Laboratory services.

2821 3. Reimbursement for services and care provided in
2822 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
2823 licensed under chapter 458 or chapter 459, a dentist licensed



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2824 under chapter 466, a physician assistant licensed under chapter
2825 458 or chapter 459, or an advanced practice registered nurse
2826 ~~advanced registered nurse practitioner~~ licensed under chapter
2827 464 has determined that the injured person had an emergency
2828 medical condition.

2829 4. Reimbursement for services and care provided in
2830 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
2831 provider listed in subparagraph 1. or subparagraph 2. determines
2832 that the injured person did not have an emergency medical
2833 condition.

2834 5. Medical benefits do not include massage as defined in s.
2835 480.033 or acupuncture as defined in s. 457.102, regardless of
2836 the person, entity, or licensee providing massage or
2837 acupuncture, and a licensed massage therapist or licensed
2838 acupuncturist may not be reimbursed for medical benefits under
2839 this section.

2840 6. The Financial Services Commission shall adopt by rule
2841 the form that must be used by an insurer and a health care
2842 provider specified in sub-subparagraph 2.b., sub-subparagraph
2843 2.c., or sub-subparagraph 2.e. to document that the health care
2844 provider meets the criteria of this paragraph. Such rule must
2845 include a requirement for a sworn statement or affidavit.

2846
2847 Only insurers writing motor vehicle liability insurance in this
2848 state may provide the required benefits of this section, and
2849 such insurer may not require the purchase of any other motor
2850 vehicle coverage other than the purchase of property damage
2851 liability coverage as required by s. 627.7275 as a condition for
2852 providing such benefits. Insurers may not require that property



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2853 damage liability insurance in an amount greater than \$10,000 be
2854 purchased in conjunction with personal injury protection. Such
2855 insurers shall make benefits and required property damage
2856 liability insurance coverage available through normal marketing
2857 channels. An insurer writing motor vehicle liability insurance
2858 in this state who fails to comply with such availability
2859 requirement as a general business practice violates part IX of
2860 chapter 626, and such violation constitutes an unfair method of
2861 competition or an unfair or deceptive act or practice involving
2862 the business of insurance. An insurer committing such violation
2863 is subject to the penalties provided under that part, as well as
2864 those provided elsewhere in the insurance code.

2865 Section 76. Subsection (5) of section 633.412, Florida
2866 Statutes, is amended to read:

2867 633.412 Firefighters; qualifications for certification.—A
2868 person applying for certification as a firefighter must:

2869 (5) Be in good physical condition as determined by a
2870 medical examination given by a physician, surgeon, or physician
2871 assistant licensed to practice in the state pursuant to chapter
2872 458; an osteopathic physician, surgeon, or physician assistant
2873 licensed to practice in the state pursuant to chapter 459; or an
2874 advanced practice registered nurse ~~advanced registered nurse~~
2875 ~~practitioner~~ licensed to practice in the state pursuant to
2876 chapter 464. Such examination may include, but need not be
2877 limited to, the National Fire Protection Association Standard
2878 1582. A medical examination evidencing good physical condition
2879 shall be submitted to the division, on a form as provided by
2880 rule, before an individual is eligible for admission into a
2881 course under s. 633.408.



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2882 Section 77. Section 641.3923, Florida Statutes, is amended
2883 to read:

2884 641.3923 Discrimination against providers prohibited.—A
2885 health maintenance organization may ~~shall~~ not discriminate with
2886 respect to participation as to any advanced practice registered
2887 nurse ~~advanced registered nurse practitioner~~ licensed and
2888 ~~certified~~ pursuant to s. 464.012, who is acting within the scope
2889 of such license ~~and certification~~, solely on the basis of such
2890 license ~~or certification~~. This section may ~~shall~~ not be
2891 construed to prohibit a plan from including providers only to
2892 the extent necessary to meet the needs of the plan's enrollees
2893 or from establishing any measure designed to maintain quality
2894 and control costs consistent with the responsibilities of the
2895 plan.

2896 Section 78. Subsection (3) of section 766.103, Florida
2897 Statutes, is amended to read:

2898 766.103 Florida Medical Consent Law.—

2899 (3) No recovery shall be allowed in any court in this state
2900 against any physician licensed under chapter 458, osteopathic
2901 physician licensed under chapter 459, chiropractic physician
2902 licensed under chapter 460, podiatric physician licensed under
2903 chapter 461, dentist licensed under chapter 466, advanced
2904 practice registered nurse licensed ~~advanced registered nurse~~
2905 ~~practitioner certified~~ under s. 464.012, or physician assistant
2906 licensed under s. 458.347 or s. 459.022 in an action brought for
2907 treating, examining, or operating on a patient without his or
2908 her informed consent when:

2909 (a)1. The action of the physician, osteopathic physician,
2910 chiropractic physician, podiatric physician, dentist, advanced



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2911 practice registered nurse ~~advanced registered nurse~~
2912 ~~practitioner~~, or physician assistant in obtaining the consent of
2913 the patient or another person authorized to give consent for the
2914 patient was in accordance with an accepted standard of medical
2915 practice among members of the medical profession with similar
2916 training and experience in the same or similar medical community
2917 as that of the person treating, examining, or operating on the
2918 patient for whom the consent is obtained; and

2919 2. A reasonable individual, from the information provided
2920 by the physician, osteopathic physician, chiropractic physician,
2921 podiatric physician, dentist, advanced practice registered nurse
2922 ~~advanced registered nurse practitioner~~, or physician assistant,
2923 under the circumstances, would have a general understanding of
2924 the procedure, the medically acceptable alternative procedures
2925 or treatments, and the substantial risks and hazards inherent in
2926 the proposed treatment or procedures, which are recognized among
2927 other physicians, osteopathic physicians, chiropractic
2928 physicians, podiatric physicians, or dentists in the same or
2929 similar community who perform similar treatments or procedures;
2930 or

2931 (b) The patient would reasonably, under all the surrounding
2932 circumstances, have undergone such treatment or procedure had he
2933 or she been advised by the physician, osteopathic physician,
2934 chiropractic physician, podiatric physician, dentist, advanced
2935 practice registered nurse ~~advanced registered nurse~~
2936 ~~practitioner~~, or physician assistant in accordance with the
2937 provisions of paragraph (a).

2938 Section 79. Paragraph (d) of subsection (3) of section
2939 766.1115, Florida Statutes, is amended to read:



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2940 766.1115 Health care providers; creation of agency
2941 relationship with governmental contractors.—
2942 (3) DEFINITIONS.—As used in this section, the term:
2943 (d) "Health care provider" or "provider" means:
2944 1. A birth center licensed under chapter 383.
2945 2. An ambulatory surgical center licensed under chapter
2946 395.
2947 3. A hospital licensed under chapter 395.
2948 4. A physician or physician assistant licensed under
2949 chapter 458.
2950 5. An osteopathic physician or osteopathic physician
2951 assistant licensed under chapter 459.
2952 6. A chiropractic physician licensed under chapter 460.
2953 7. A podiatric physician licensed under chapter 461.
2954 8. A registered nurse, nurse midwife, licensed practical
2955 nurse, or advanced practice registered nurse ~~advanced registered~~
2956 ~~nurse-practitioner~~ licensed or registered under part I of
2957 chapter 464 or any facility which employs nurses licensed or
2958 registered under part I of chapter 464 to supply all or part of
2959 the care delivered under this section.
2960 9. A midwife licensed under chapter 467.
2961 10. A health maintenance organization certificated under
2962 part I of chapter 641.
2963 11. A health care professional association and its
2964 employees or a corporate medical group and its employees.
2965 12. Any other medical facility the primary purpose of which
2966 is to deliver human medical diagnostic services or which
2967 delivers nonsurgical human medical treatment, and which includes
2968 an office maintained by a provider.



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2969 13. A dentist or dental hygienist licensed under chapter
2970 466.

2971 14. A free clinic that delivers only medical diagnostic
2972 services or nonsurgical medical treatment free of charge to all
2973 low-income recipients.

2974 15. Any other health care professional, practitioner,
2975 provider, or facility under contract with a governmental
2976 contractor, including a student enrolled in an accredited
2977 program that prepares the student for licensure as any one of
2978 the professionals listed in subparagraphs 4.-9.

2979
2980 The term includes any nonprofit corporation qualified as exempt
2981 from federal income taxation under s. 501(a) of the Internal
2982 Revenue Code, and described in s. 501(c) of the Internal Revenue
2983 Code, which delivers health care services provided by licensed
2984 professionals listed in this paragraph, any federally funded
2985 community health center, and any volunteer corporation or
2986 volunteer health care provider that delivers health care
2987 services.

2988 Section 80. Subsection (1) of section 766.1116, Florida
2989 Statutes, is amended to read:

2990 766.1116 Health care practitioner; waiver of license
2991 renewal fees and continuing education requirements.-

2992 (1) As used in this section, the term "health care
2993 practitioner" means a physician or physician assistant licensed
2994 under chapter 458; an osteopathic physician or physician
2995 assistant licensed under chapter 459; a chiropractic physician
2996 licensed under chapter 460; a podiatric physician licensed under
2997 chapter 461; an advanced practice registered nurse ~~advanced~~



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2998 ~~registered nurse practitioner~~, registered nurse, or licensed
2999 practical nurse licensed under part I of chapter 464; a dentist
3000 or dental hygienist licensed under chapter 466; or a midwife
3001 licensed under chapter 467, who participates as a health care
3002 provider under s. 766.1115.

3003 Section 81. Paragraph (c) of subsection (1) of section
3004 766.118, Florida Statutes, is amended to read:

3005 766.118 Determination of noneconomic damages.—

3006 (1) DEFINITIONS.—As used in this section, the term:

3007 (c) "Practitioner" means any person licensed under chapter
3008 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter
3009 463, chapter 466, chapter 467, ~~or~~ chapter 486 or ~~certified under~~
3010 s. 464.012. "Practitioner" also means any association,
3011 corporation, firm, partnership, or other business entity under
3012 which such practitioner practices or any employee of such
3013 practitioner or entity acting in the scope of his or her
3014 employment. For the purpose of determining the limitations on
3015 noneconomic damages set forth in this section, the term
3016 "practitioner" includes any person or entity for whom a
3017 practitioner is vicariously liable and any person or entity
3018 whose liability is based solely on such person or entity being
3019 vicariously liable for the actions of a practitioner.

3020 Section 82. Subsection (5) of section 794.08, Florida
3021 Statutes, is amended to read:

3022 794.08 Female genital mutilation.—

3023 (5) This section does not apply to procedures performed by
3024 or under the direction of a physician licensed under chapter
3025 458, an osteopathic physician licensed under chapter 459, a
3026 registered nurse licensed under part I of chapter 464, a



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3027 practical nurse licensed under part I of chapter 464, an
3028 advanced practice registered nurse ~~advanced registered nurse~~
3029 ~~practitioner~~ licensed under part I of chapter 464, a midwife
3030 licensed under chapter 467, or a physician assistant licensed
3031 under chapter 458 or chapter 459 when necessary to preserve the
3032 physical health of a female person. This section also does not
3033 apply to any autopsy or limited dissection conducted pursuant to
3034 chapter 406.

3035 Section 83. Subsection (23) of section 893.02, Florida
3036 Statutes, is amended to read:

3037 893.02 Definitions.—The following words and phrases as used
3038 in this chapter shall have the following meanings, unless the
3039 context otherwise requires:

3040 (23) "Practitioner" means a physician licensed under
3041 chapter 458, a dentist licensed under chapter 466, a
3042 veterinarian licensed under chapter 474, an osteopathic
3043 physician licensed under chapter 459, an advanced practice
3044 registered nurse licensed ~~advanced registered nurse practitioner~~
3045 ~~certified~~ under chapter 464, a naturopath licensed under chapter
3046 462, a certified optometrist licensed under chapter 463, a
3047 psychiatric nurse as defined in s. 394.455, a podiatric
3048 physician licensed under chapter 461, or a physician assistant
3049 licensed under chapter 458 or chapter 459, provided such
3050 practitioner holds a valid federal controlled substance registry
3051 number.

3052 Section 84. Paragraph (b) of subsection (1) of section
3053 893.05, Florida Statutes, is amended to read:

3054 893.05 Practitioners and persons administering controlled
3055 substances in their absence.—



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3056 (1)
3057 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
3058 464.012(3), as applicable, a practitioner who supervises a
3059 licensed physician assistant or advanced practice registered
3060 nurse ~~advanced registered nurse practitioner~~ may authorize the
3061 licensed physician assistant or advanced practice registered
3062 nurse ~~advanced registered nurse practitioner~~ to order controlled
3063 substances for administration to a patient in a facility
3064 licensed under chapter 395 or part II of chapter 400.

3065 Section 85. Subsection (6) of section 943.13, Florida
3066 Statutes, is amended to read:

3067 943.13 Officers' minimum qualifications for employment or
3068 appointment.—On or after October 1, 1984, any person employed or
3069 appointed as a full-time, part-time, or auxiliary law
3070 enforcement officer or correctional officer; on or after October
3071 1, 1986, any person employed as a full-time, part-time, or
3072 auxiliary correctional probation officer; and on or after
3073 October 1, 1986, any person employed as a full-time, part-time,
3074 or auxiliary correctional officer by a private entity under
3075 contract to the Department of Corrections, to a county
3076 commission, or to the Department of Management Services shall:

3077 (6) Have passed a physical examination by a licensed
3078 physician, physician assistant, or licensed advanced practice
3079 registered nurse ~~certified advanced registered nurse~~
3080 ~~practitioner~~, based on specifications established by the
3081 commission. In order to be eligible for the presumption set
3082 forth in s. 112.18 while employed with an employing agency, a
3083 law enforcement officer, correctional officer, or correctional
3084 probation officer must have successfully passed the physical



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3085 examination required by this subsection upon entering into
3086 service as a law enforcement officer, correctional officer, or
3087 correctional probation officer with the employing agency, which
3088 examination must have failed to reveal any evidence of
3089 tuberculosis, heart disease, or hypertension. A law enforcement
3090 officer, correctional officer, or correctional probation officer
3091 may not use a physical examination from a former employing
3092 agency for purposes of claiming the presumption set forth in s.
3093 112.18 against the current employing agency.

3094 Section 86. Paragraph (n) of subsection (1) of section
3095 948.03, Florida Statutes, is amended to read:

3096 948.03 Terms and conditions of probation.—

3097 (1) The court shall determine the terms and conditions of
3098 probation. Conditions specified in this section do not require
3099 oral pronouncement at the time of sentencing and may be
3100 considered standard conditions of probation. These conditions
3101 may include among them the following, that the probationer or
3102 offender in community control shall:

3103 (n) Be prohibited from using intoxicants to excess or
3104 possessing any drugs or narcotics unless prescribed by a
3105 physician, an advanced practice registered nurse ~~advanced~~
3106 ~~registered nurse practitioner~~, or a physician assistant. The
3107 probationer or community controllee may not knowingly visit
3108 places where intoxicants, drugs, or other dangerous substances
3109 are unlawfully sold, dispensed, or used.

3110 Section 87. Paragraph (i) of subsection (3) of section
3111 1002.20, Florida Statutes, is amended to read:

3112 1002.20 K-12 student and parent rights.—Parents of public
3113 school students must receive accurate and timely information



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3114 regarding their child's academic progress and must be informed
3115 of ways they can help their child to succeed in school. K-12
3116 students and their parents are afforded numerous statutory
3117 rights including, but not limited to, the following:

3118 (3) HEALTH ISSUES.—

3119 (i) *Epinephrine use and supply.*—

3120 1. A student who has experienced or is at risk for life-
3121 threatening allergic reactions may carry an epinephrine auto-
3122 injector and self-administer epinephrine by auto-injector while
3123 in school, participating in school-sponsored activities, or in
3124 transit to or from school or school-sponsored activities if the
3125 school has been provided with parental and physician
3126 authorization. The State Board of Education, in cooperation with
3127 the Department of Health, shall adopt rules for such use of
3128 epinephrine auto-injectors that shall include provisions to
3129 protect the safety of all students from the misuse or abuse of
3130 auto-injectors. A school district, county health department,
3131 public-private partner, and their employees and volunteers shall
3132 be indemnified by the parent of a student authorized to carry an
3133 epinephrine auto-injector for any and all liability with respect
3134 to the student's use of an epinephrine auto-injector pursuant to
3135 this paragraph.

3136 2. A public school may purchase a supply of epinephrine
3137 auto-injectors from a wholesale distributor as defined in s.
3138 499.003 or may enter into an arrangement with a wholesale
3139 distributor or manufacturer as defined in s. 499.003 for the
3140 epinephrine auto-injectors at fair-market, free, or reduced
3141 prices for use in the event a student has an anaphylactic
3142 reaction. The epinephrine auto-injectors must be maintained in a



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3143 secure location on the public school's premises. The
3144 participating school district shall adopt a protocol developed
3145 by a licensed physician for the administration by school
3146 personnel who are trained to recognize an anaphylactic reaction
3147 and to administer an epinephrine auto-injection. The supply of
3148 epinephrine auto-injectors may be provided to and used by a
3149 student authorized to self-administer epinephrine by auto-
3150 injector under subparagraph 1. or trained school personnel.

3151 3. The school district and its employees, agents, and the
3152 physician who provides the standing protocol for school
3153 epinephrine auto-injectors are not liable for any injury arising
3154 from the use of an epinephrine auto-injector administered by
3155 trained school personnel who follow the adopted protocol and
3156 whose professional opinion is that the student is having an
3157 anaphylactic reaction:

3158 a. Unless the trained school personnel's action is willful
3159 and wanton;

3160 b. Notwithstanding that the parents or guardians of the
3161 student to whom the epinephrine is administered have not been
3162 provided notice or have not signed a statement acknowledging
3163 that the school district is not liable; and

3164 c. Regardless of whether authorization has been given by
3165 the student's parents or guardians or by the student's
3166 physician, physician's assistant, or advanced practice
3167 registered nurse ~~advanced registered nurse practitioner~~.

3168 Section 88. Paragraph (b) of subsection (17) of section
3169 1002.42, Florida Statutes, is amended to read:

3170 1002.42 Private schools.—

3171 (17) EPINEPHRINE SUPPLY.—



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3172 (b) The private school and its employees, agents, and the
3173 physician who provides the standing protocol for school
3174 epinephrine auto-injectors are not liable for any injury arising
3175 from the use of an epinephrine auto-injector administered by
3176 trained school personnel who follow the adopted protocol and
3177 whose professional opinion is that the student is having an
3178 anaphylactic reaction:

3179 1. Unless the trained school personnel's action is willful
3180 and wanton;

3181 2. Notwithstanding that the parents or guardians of the
3182 student to whom the epinephrine is administered have not been
3183 provided notice or have not signed a statement acknowledging
3184 that the school district is not liable; and

3185 3. Regardless of whether authorization has been given by
3186 the student's parents or guardians or by the student's
3187 physician, physician's assistant, or advanced practice
3188 registered nurse ~~advanced registered nurse practitioner~~.

3189 Section 89. Subsections (4) and (5) of section 1006.062,
3190 Florida Statutes, are amended to read:

3191 1006.062 Administration of medication and provision of
3192 medical services by district school board personnel.—

3193 (4) Nonmedical assistive personnel shall be allowed to
3194 perform health-related services upon successful completion of
3195 child-specific training by a registered nurse or advanced
3196 practice registered nurse ~~advanced registered nurse practitioner~~
3197 licensed under chapter 464, a physician licensed pursuant to
3198 chapter 458 or chapter 459, or a physician assistant licensed
3199 pursuant to chapter 458 or chapter 459. All procedures shall be
3200 monitored periodically by a nurse, advanced practice registered



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3201 ~~nurse advanced registered nurse practitioner~~, physician
3202 assistant, or physician, including, but not limited to:
3203 (a) Intermittent clean catheterization.
3204 (b) Gastrostomy tube feeding.
3205 (c) Monitoring blood glucose.
3206 (d) Administering emergency injectable medication.
3207 (5) For all other invasive medical services not listed in
3208 this subsection, a registered nurse or advanced practice
3209 registered nurse ~~advanced registered nurse practitioner~~ licensed
3210 under chapter 464, a physician licensed pursuant to chapter 458
3211 or chapter 459, or a physician assistant licensed pursuant to
3212 chapter 458 or chapter 459 shall determine if nonmedical
3213 district school board personnel shall be allowed to perform such
3214 service.

3215 Section 90. Subsection (1) and paragraph (a) of subsection
3216 (2) of section 1009.65, Florida Statutes, are amended to read:
3217 1009.65 Medical Education Reimbursement and Loan Repayment
3218 Program.—

3219 (1) To encourage qualified medical professionals to
3220 practice in underserved locations where there are shortages of
3221 such personnel, there is established the Medical Education
3222 Reimbursement and Loan Repayment Program. The function of the
3223 program is to make payments that offset loans and educational
3224 expenses incurred by students for studies leading to a medical
3225 or nursing degree, medical or nursing licensure, or advanced
3226 practice registered nurse licensure ~~advanced registered nurse~~
3227 ~~practitioner certification~~ or physician assistant licensure. The
3228 following licensed or certified health care professionals are
3229 eligible to participate in this program: medical doctors with



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3230 primary care specialties, doctors of osteopathic medicine with
3231 primary care specialties, physician's assistants, licensed
3232 practical nurses and registered nurses, and advanced practice
3233 registered nurses ~~advanced registered nurse practitioners~~ with
3234 primary care specialties such as certified nurse midwives.
3235 Primary care medical specialties for physicians include
3236 obstetrics, gynecology, general and family practice, internal
3237 medicine, pediatrics, and other specialties which may be
3238 identified by the Department of Health.

3239 (2) From the funds available, the Department of Health
3240 shall make payments to selected medical professionals as
3241 follows:

3242 (a) Up to \$4,000 per year for licensed practical nurses and
3243 registered nurses, up to \$10,000 per year for advanced practice
3244 registered nurses ~~advanced registered nurse practitioners~~ and
3245 physician's assistants, and up to \$20,000 per year for
3246 physicians. Penalties for noncompliance shall be the same as
3247 those in the National Health Services Corps Loan Repayment
3248 Program. Educational expenses include costs for tuition,
3249 matriculation, registration, books, laboratory and other fees,
3250 other educational costs, and reasonable living expenses as
3251 determined by the Department of Health.

3252 Section 91. Subsection (2) of section 1009.66, Florida
3253 Statutes, is amended to read:

3254 1009.66 Nursing Student Loan Forgiveness Program.—

3255 (2) To be eligible, a candidate must have graduated from an
3256 accredited or approved nursing program and have received a
3257 Florida license as a licensed practical nurse or a registered
3258 nurse or a Florida license ~~certificate~~ as an advanced practice



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3259 registered nurse ~~advanced registered nurse practitioner~~.

3260 Section 92. Subsection (3) of section 1009.67, Florida
3261 Statutes, is amended to read:

3262 1009.67 Nursing scholarship program.—

3263 (3) A scholarship may be awarded for no more than 2 years,
3264 in an amount not to exceed \$8,000 per year. However, registered
3265 nurses pursuing a graduate degree for a faculty position or to
3266 practice as an advanced practice registered nurse ~~advanced~~
3267 ~~registered nurse practitioner~~ may receive up to \$12,000 per
3268 year. These amounts shall be adjusted by the amount of increase
3269 or decrease in the Consumer Price Index for All Urban Consumers
3270 published by the United States Department of Commerce.

3271 Section 93. This act shall take effect October 1, 2018.

3272

3273 ===== T I T L E A M E N D M E N T =====

3274 And the title is amended as follows:

3275 Delete everything before the enacting clause
3276 and insert:

3277 A bill to be entitled
3278 An act relating to nursing; amending s. 464.003, F.S.;
3279 defining the term "advanced practice registered
3280 nurse"; deleting the terms "advanced registered nurse
3281 practitioner", "clinical nurse specialist" and
3282 "clinical nurse specialist practice," to conform to
3283 changes made by the act; repealing s. 464.0115, F.S.,
3284 relating to the certification of clinical nurse
3285 specialists; amending s. 464.012, F.S.; requiring any
3286 nurse desiring to be licensed as an advanced practice
3287 registered nurse to apply to the Department of Health,



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3288 submit proof that he or she holds a current license to
3289 practice professional nursing, and meet one or more
3290 specified requirements as determined by the Board of
3291 Nursing; authorizing the board to adopt rules to
3292 provide for provisional state licensure of certified
3293 nurse midwives, certified nurse practitioners,
3294 certified registered nurse anesthetists, clinical
3295 nurse specialists, and psychiatric nurses for a
3296 specified period of time; conforming provisions to
3297 changes made by the act; amending s. 960.28, F.S.;
3298 conforming a cross-reference; amending ss. 39.303,
3299 39.304, 90.503, 110.12315, 121.0515, 252.515, 310.071,
3300 310.073, 310.081, 320.0848, 381.00315, 381.00593,
3301 383.14, 383.141, 384.27, 390.0111, 390.012, 394.455,
3302 395.0191, 397.311, 397.4012, 397.427, 397.679,
3303 397.6793, 400.021, 400.462, 400.487, 400.506,
3304 400.9973, 400.9974, 400.9976, 400.9979, 401.445,
3305 409.905, 409.908, 409.973, 429.918, 456.0391,
3306 456.0392, 456.041, 456.048, 456.072, 456.44, 458.3265,
3307 458.331, 458.348, 459.0137, 459.015, 459.025, 464.003,
3308 464.004, 464.013, 464.015, 464.016, 464.018, 464.0205,
3309 467.003, 480.0475, 483.041, 483.801, 486.021, 490.012,
3310 491.0057, 491.012, 493.6108, 627.357, 627.6471,
3311 627.6472, 627.736, 633.412, 641.3923, 766.103,
3312 766.1115, 766.1116, 766.118, 794.08, 893.02, 893.05,
3313 943.13, 948.03, 1002.20, 1002.42, 1006.062, 1009.65,
3314 1009.66, and 1009.67, F.S.; conforming provisions to
3315 changes made by the act; providing an effective date.