

By Senator Brandes

24-01080A-18

20181594__

1 A bill to be entitled
2 An act relating to nursing; amending s. 464.003, F.S.;
3 defining the term "advanced practice registered
4 nurse"; deleting the terms "advanced registered nurse
5 practitioner" and "clinical nurse specialist," to
6 conform to changes made by the act; repealing s.
7 464.0115, F.S., relating to the certification of
8 clinical nurse specialists; amending s. 464.012, F.S.;
9 requiring any nurse desiring to be licensed as an
10 advanced practice registered nurse to apply to the
11 Department of Health, submit proof that he or she
12 holds a current license to practice professional
13 nursing, and meet one or more specified requirements
14 as determined by the Board of Nursing; authorizing the
15 board to adopt rules to provide for provisional state
16 licensure of graduate registered nurse anesthetists,
17 clinical nurse specialists, certified nurse
18 practitioners, and certified nurse midwives for a
19 specified period of time; conforming provisions to
20 changes made by the act; amending s. 960.28, F.S.;
21 conforming a cross-reference; amending ss. 39.303,
22 39.304, 90.503, 110.12315, 121.0515, 252.515, 310.071,
23 310.073, 310.081, 320.0848, 381.00315, 381.00593,
24 383.14, 383.141, 390.0111, 390.012, 394.455, 395.0191,
25 397.311, 397.4012, 397.427, 397.679, 397.6793,
26 400.021, 400.462, 400.487, 400.506, 400.9973,
27 400.9974, 400.9976, 400.9979, 401.445, 409.905,
28 409.908, 409.973, 429.918, 456.0391, 456.0392,
29 456.041, 456.048, 456.072, 456.44, 458.3265, 458.331,

24-01080A-18

20181594__

30 458.348, 459.0137, 459.015, 459.025, 464.003, 464.004,
 31 464.013, 464.015, 464.016, 464.018, 464.0205, 467.003,
 32 480.0475, 483.041, 483.801, 486.021, 490.012,
 33 491.0057, 491.012, 493.6108, 627.357, 627.6471,
 34 627.6472, 627.736, 633.412, 641.3923, 766.103,
 35 766.1115, 766.1116, 794.08, 893.02, 893.05, 943.13,
 36 948.03, 1002.20, 1002.42, 1006.062, 1009.65, 1009.66,
 37 and 1009.67, F.S.; conforming provisions to changes
 38 made by the act; providing an effective date.
 39

40 Be It Enacted by the Legislature of the State of Florida:
 41

42 Section 1. Subsections (3) and (6) of section 464.003,
 43 Florida Statutes are amended, and subsections (7) through (23)
 44 are redesignated as subsections (6) through (22), respectively,
 45 to read:

46 464.003 Definitions.—As used in this part, the term:

47 (3) “Advanced practice registered nurse” ~~“Advanced~~
 48 ~~registered nurse practitioner”~~ means any person licensed in this
 49 state to practice professional nursing and licensed ~~certified~~ in
 50 advanced ~~or specialized~~ nursing practice, including certified
 51 registered nurse anesthetists, certified nurse midwives,
 52 clinical nurse specialists, and certified nurse practitioners.

53 ~~(6) “Clinical nurse specialist” means any person licensed~~
 54 ~~in this state to practice professional nursing and certified in~~
 55 ~~clinical nurse specialist practice.~~

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

57 Section 3. Section 464.012, Florida Statutes, is amended to
 58 read:

24-01080A-18

20181594__

59 464.012 Licensure ~~Certification~~ of advanced practice
60 registered nurses ~~advanced registered nurse practitioners~~; fees;
61 controlled substance prescribing.-

62 (1) Any nurse desiring to be licensed ~~certified~~ as an
63 advanced practice registered nurse ~~must advanced registered~~
64 ~~nurse practitioner~~ shall apply to the department and submit
65 proof that he or she holds a current license to practice
66 professional nursing and that he or she meets one or more of the
67 following requirements as determined by the board:

68 (a) Completion of a postbasic educational program.
69 Satisfactory completion of a formal postbasic educational
70 program of at least 1 academic year, the primary purpose of
71 which is to prepare nurses for advanced or specialized practice.

72 (b) Certification by an appropriate specialty board. Such
73 certification shall be required for initial state licensure
74 ~~certification~~ and any licensure renewal ~~recertification~~ as a
75 certified registered nurse anesthetist, psychiatric nurse,
76 certified nurse practitioner, clinical nurse specialist, or
77 certified nurse midwife. The board may by rule provide for
78 provisional state licensure ~~certification~~ of graduate registered
79 nurse anesthetists, clinical nurse specialists, certified nurse
80 practitioners, psychiatric nurses, and certified nurse midwives
81 for a period of time determined to be appropriate for preparing
82 for and passing the national certification examination.

83 (c) ~~(b)~~ Graduation from a program leading to a master's
84 degree in a nursing clinical specialty area with preparation in
85 specialized practitioner skills. For applicants graduating on or
86 after October 1, 1998, graduation from a master's degree program
87 is ~~shall be~~ required for initial licensure ~~certification~~ as a

24-01080A-18

20181594__

88 certified nurse practitioner under paragraph (4) (c). For
89 applicants graduating on or after October 1, 2001, graduation
90 from a master's degree program ~~is shall be~~ required for initial
91 licensure certification as a certified registered nurse
92 anesthetist under paragraph (4) (a). For applicants graduating on
93 or after October 1, 1998, graduation from a master's degree
94 program is required for the initial licensure of a certified
95 nurse midwife or clinical nurse specialist as an advanced
96 practice registered nurse.

97 (2) The board shall provide by rule the appropriate
98 requirements for advanced practice registered nurses ~~advanced~~
99 ~~registered nurse practitioners~~ in the categories of certified
100 registered nurse anesthetist, certified nurse midwife, and nurse
101 practitioner.

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

24-01080A-18

20181594__

117 (a) Prescribe, dispense, administer, or order any drug;
118 however, an advanced practice registered nurse ~~advanced~~
119 ~~registered nurse practitioner~~ may prescribe or dispense a
120 controlled substance as defined in s. 893.03 only if the
121 advanced practice registered nurse ~~advanced registered nurse~~
122 ~~practitioner~~ has graduated from a program leading to a master's
123 or doctoral degree in a clinical nursing specialty area with
124 training in specialized practitioner skills.

125 (b) Initiate appropriate therapies for certain conditions.

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

128 (d) Order diagnostic tests and physical and occupational
129 therapy.

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

133 (4) In addition to the general functions specified in
134 subsection (3), an advanced practice registered nurse ~~advanced~~
135 ~~registered nurse practitioner~~ may perform the following acts
136 within his or her specialty:

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

141 1. Determine the health status of the patient as it relates
142 to the risk factors and to the anesthetic management of the
143 patient through the performance of the general functions.

144 2. Based on history, physical assessment, and supplemental
145 laboratory results, determine, with the consent of the

24-01080A-18

20181594__

146 responsible physician, the appropriate type of anesthesia within
147 the framework of the protocol.

148 3. Order under the protocol preanesthetic medication.

149 4. Perform under the protocol procedures commonly used to
150 render the patient insensible to pain during the performance of
151 surgical, obstetrical, therapeutic, or diagnostic clinical
152 procedures. These procedures include ordering and administering
153 regional, spinal, and general anesthesia; inhalation agents and
154 techniques; intravenous agents and techniques; and techniques of
155 hypnosis.

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

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

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

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

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

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

173 (b) The certified nurse midwife may, to the extent
174 authorized by an established protocol which has been approved by

24-01080A-18

20181594__

175 the medical staff of the health care facility in which the
176 midwifery services are performed, or approved by the nurse
177 midwife's physician backup when the delivery is performed in a
178 patient's home, perform any or all of the following:

- 179 1. Perform superficial minor surgical procedures.
- 180 2. Manage the patient during labor and delivery to include
181 amniotomy, episiotomy, and repair.
- 182 3. Order, initiate, and perform appropriate anesthetic
183 procedures.
- 184 4. Perform postpartum examination.
- 185 5. Order appropriate medications.
- 186 6. Provide family-planning services and well-woman care.
- 187 7. Manage the medical care of the normal obstetrical
188 patient and the initial care of a newborn patient.

189 (c) The certified nurse practitioner may perform any or all
190 of the following acts within the framework of established
191 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 (5) A psychiatric nurse, as defined in s. 394.455, within
201 the framework of an established protocol with a psychiatrist,
202 may prescribe psychotropic controlled substances for the
203 treatment of mental disorders.

24-01080A-18

20181594__

204 (6) The board shall certify, and the department shall issue
205 a certificate to, any nurse meeting the qualifications in this
206 section. The board shall establish an application fee not to
207 exceed \$100 and a biennial renewal fee not to exceed \$50. The
208 board is authorized to adopt such other rules as are necessary
209 to implement the provisions of this section.

210 (7) (a) The board shall establish a committee to recommend a
211 formulary of controlled substances that an advanced practice
212 registered nurse ~~advanced registered nurse practitioner~~ may not
213 prescribe or may prescribe only for specific uses or in limited
214 quantities. The committee must consist of three advanced
215 practice registered nurses ~~advanced registered nurse~~
216 ~~practitioners~~ licensed under this section, recommended by the
217 board; three physicians licensed under chapter 458 or chapter
218 459 who have work experience with advanced practice registered
219 nurses ~~advanced registered nurse practitioners~~, recommended by
220 the Board of Medicine; and a pharmacist licensed under chapter
221 465 who is a doctor of pharmacy, recommended by the Board of
222 Pharmacy. The committee may recommend an evidence-based
223 formulary applicable to all advanced practice registered nurses
224 ~~advanced registered nurse practitioners~~ which is limited by
225 specialty certification, is limited to approved uses of
226 controlled substances, or is subject to other similar
227 restrictions the committee finds are necessary to protect the
228 health, safety, and welfare of the public. The formulary must
229 restrict the prescribing of psychiatric mental health controlled
230 substances for children younger than 18 years of age to advanced
231 practice registered nurses ~~advanced registered nurse~~
232 ~~practitioners~~ who also are psychiatric nurses as defined in s.

24-01080A-18

20181594__

233 394.455. The formulary must also limit the prescribing of
234 Schedule II controlled substances as listed in s. 893.03 to a 7-
235 day supply, except that such restriction does not apply to
236 controlled substances that are psychiatric medications
237 prescribed by psychiatric nurses as defined in s. 394.455.

238 (b) The board shall adopt by rule the recommended formulary
239 and any revision to the formulary which it finds is supported by
240 evidence-based clinical findings presented by the Board of
241 Medicine, the Board of Osteopathic Medicine, or the Board of
242 Dentistry.

243 (c) The formulary required under this subsection does not
244 apply to a controlled substance that is dispensed for
245 administration pursuant to an order, including an order for
246 medication authorized by subparagraph (4)(a)3., subparagraph
247 (4)(a)4., or subparagraph (4)(a)9.

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

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

252 Section 4. Section 3 of chapter 2017-134, Laws of Florida,
253 is amended to read:

254 Section 3. Effective December 31, 2018, or upon enactment
255 of the Nurse Licensure Compact into law by 26 states, whichever
256 occurs first, subsection (1) of section 464.012, Florida
257 Statutes, as amended by section 8 of chapter 2016-139, section
258 12 of chapter 2016-224, and section 7 of chapter 2016-231, Laws
259 of Florida, is amended to read:

260 464.012 Licensure Certification of advanced practice
261 registered nurses ~~advanced registered nurse practitioners~~; fees;

24-01080A-18

20181594__

262 controlled substance prescribing.—

263 (1) Any nurse desiring to be licensed ~~certified~~ as an
264 advanced practice registered nurse ~~must advanced registered~~
265 ~~nurse practitioner~~ shall apply to the department and submit
266 proof that he or she holds a current license to practice
267 professional nursing or holds an active multistate license to
268 practice professional nursing pursuant to s. 464.0095, and that
269 he or she meets one or more of the following requirements as
270 determined by the board:

271 (a) Completion of a postbasic educational program.
272 Satisfactory completion of a formal postbasic educational
273 program of at least 1 academic year, the primary purpose of
274 which is to prepare nurses for advanced or specialized practice.

275 (b) Certification by an appropriate specialty board. Such
276 certification shall be required for initial state licensure
277 ~~certification~~ and any licensure renewal ~~recertification~~ as a
278 certified registered nurse anesthetist, psychiatric nurse,
279 certified nurse practitioner, clinical nurse specialist, or
280 certified nurse midwife. The board shall ~~may~~ by rule provide for
281 provisional state licensure ~~certification~~ of graduate registered
282 nurse anesthetists, clinical nurse specialist, certified nurse
283 practitioners, psychiatric nurses, and certified nurse midwives
284 for a period of time determined to be appropriate for preparing
285 for and passing the national certification examination.

286 (c) ~~(b)~~ Graduation from a program leading to a master's
287 degree in a nursing clinical specialty area with preparation in
288 specialized practitioner skills. For applicants graduating on or
289 after October 1, 1998, graduation from a master's degree program
290 is ~~shall be~~ required for initial licensure ~~certification~~ as a

24-01080A-18

20181594__

291 certified nurse practitioner under paragraph (4) (c). For
292 applicants graduating on or after October 1, 2001, graduation
293 from a master's degree program ~~is shall be~~ required for initial
294 licensure certification as a certified registered nurse
295 anesthetist under paragraph (4) (a). For applicants graduating on
296 or after October 1, 1998, graduation from a master's degree
297 program is required for the initial licensure of a certified
298 nurse midwife or clinical nurse specialist as an advanced
299 practice registered nurse.

300 Section 5. Subsection (2) of section 960.28, Florida
301 Statutes, is amended to read:

302 960.28 Payment for victims' initial forensic physical
303 examinations.—

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

24-01080A-18

20181594__

320 of chapter 464, excluding s. 464.003(15) ~~s. 464.003(16)~~; chapter
321 458; or chapter 459. Payment made to the medical provider by the
322 department shall be considered by the provider as payment in
323 full for the initial forensic physical examination associated
324 with the collection of evidence. The victim may not be required
325 to pay, directly or indirectly, the cost of an initial forensic
326 physical examination performed in accordance with this section.

327 Section 6. Paragraph (c) of subsection (5) and paragraph
328 (a) of subsection (6) of section 39.303, Florida Statutes, are
329 amended to read:

330 39.303 Child protection teams and sexual abuse treatment
331 programs; services; eligible cases.—

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

339 (c) An advanced practice registered nurse ~~advanced~~
340 ~~registered nurse practitioner~~ licensed under chapter 464 who has
341 a specialty in pediatrics or family medicine and is a member of
342 a child protection team;

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

345 (a) The child was examined for the alleged abuse or neglect
346 by a physician who is not a member of the child protection team,
347 and a consultation between the child protection team medical
348 director or a child protection team board-certified

24-01080A-18

20181594__

349 pediatrician, advanced practice registered nurse ~~advanced~~
350 ~~registered nurse practitioner~~, physician assistant working under
351 the supervision of a child protection team medical director or a
352 child protection team board-certified pediatrician, or
353 registered nurse working under the direct supervision of a child
354 protection team medical director or a child protection team
355 board-certified pediatrician, and the examining physician
356 concludes that a further medical evaluation is unnecessary;

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

362 Section 7. Paragraph (b) of subsection (1) of section
363 39.304, Florida Statutes, is amended to read:

364 39.304 Photographs, medical examinations, X rays, and
365 medical treatment of abused, abandoned, or neglected child.—

366 (1)

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

24-01080A-18

20181594__

378 licensed physician~~7~~ or advanced practice registered nurse
379 ~~advanced registered nurse practitioner~~ licensed pursuant to part
380 I of chapter 464~~7~~ who has reasonable cause to suspect that an
381 injury was the result of child abuse, abandonment, or neglect
382 may authorize a radiological examination to be performed on the
383 child without the consent of the child's parent or legal
384 custodian.

385 Section 8. Paragraph (a) of subsection (1) of section
386 90.503, Florida Statutes, is amended to read:

387 90.503 Psychotherapist-patient privilege.—

388 (1) For purposes of this section:

389 (a) A "psychotherapist" is:

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

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

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

403 4. Treatment personnel of facilities licensed by the state
404 pursuant to chapter 394, chapter 395, or chapter 397, of
405 facilities designated by the Department of Children and Families
406 pursuant to chapter 394 as treatment facilities, or of

24-01080A-18

20181594__

407 facilities defined as community mental health centers pursuant
408 to s. 394.907(1), who are engaged primarily in the diagnosis or
409 treatment of a mental or emotional condition, including
410 alcoholism and other drug addiction; or

411 5. An advanced practice registered nurse ~~advanced~~
412 ~~registered nurse practitioner~~ certified under s. 464.012, whose
413 primary scope of practice is the diagnosis or treatment of
414 mental or emotional conditions, including chemical abuse, and
415 limited only to actions performed in accordance with part I of
416 chapter 464.

417 Section 9. Paragraph (d) of subsection (2) of section
418 110.12315, Florida Statutes, is amended to read:

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

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

429 (d) The department shall establish the reimbursement
430 schedule for prescription drugs and supplies dispensed under the
431 program. Reimbursement rates for a prescription drug or supply
432 must be based on the cost of the generic equivalent drug or
433 supply if a generic equivalent exists, unless the physician,
434 advanced practice registered nurse ~~advanced registered nurse~~
435 ~~practitioner~~, or physician assistant prescribing the drug or

24-01080A-18

20181594__

436 supply clearly states on the prescription that the brand name
437 drug or supply is medically necessary or that the drug or supply
438 is included on the formulary of drugs and supplies that may not
439 be interchanged as provided in chapter 465, in which case
440 reimbursement must be based on the cost of the brand name drug
441 or supply as specified in the reimbursement schedule adopted by
442 the department.

443 Section 10. Paragraph (f) of subsection (3) of section
444 121.0515, Florida Statutes, is amended to read:

445 121.0515 Special Risk Class.—

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

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

- 453 1. Dietitian (class codes 5203 and 5204);
- 454 2. Public health nutrition consultant (class code 5224);
- 455 3. Psychological specialist (class codes 5230 and 5231);
- 456 4. Psychologist (class code 5234);
- 457 5. Senior psychologist (class codes 5237 and 5238);
- 458 6. Regional mental health consultant (class code 5240);
- 459 7. Psychological Services Director—DCF (class code 5242);
- 460 8. Pharmacist (class codes 5245 and 5246);
- 461 9. Senior pharmacist (class codes 5248 and 5249);
- 462 10. Dentist (class code 5266);
- 463 11. Senior dentist (class code 5269);
- 464 12. Registered nurse (class codes 5290 and 5291);

24-01080A-18

20181594__

- 465 13. Senior registered nurse (class codes 5292 and 5293);
- 466 14. Registered nurse specialist (class codes 5294 and
- 467 5295);
- 468 15. Clinical associate (class codes 5298 and 5299);
- 469 16. Advanced practice registered nurse ~~Advanced registered~~
- 470 ~~nurse practitioner~~ (class codes 5297 and 5300);
- 471 17. Advanced practice registered nurse ~~Advanced registered~~
- 472 ~~nurse practitioner~~ specialist (class codes 5304 and 5305);
- 473 18. Registered nurse supervisor (class codes 5306 and
- 474 5307);
- 475 19. Senior registered nurse supervisor (class codes 5308
- 476 and 5309);
- 477 20. Registered nursing consultant (class codes 5312 and
- 478 5313);
- 479 21. Quality management program supervisor (class code
- 480 5314);
- 481 22. Executive nursing director (class codes 5320 and 5321);
- 482 23. Speech and hearing therapist (class code 5406); or
- 483 24. Pharmacy manager (class code 5251);
- 484 Section 11. Paragraph (a) of subsection (3) of section
- 485 252.515, Florida Statutes, is amended to read:
- 486 252.515 Postdisaster Relief Assistance Act; immunity from
- 487 civil liability.—
- 488 (3) As used in this section, the term:
- 489 (a) "Emergency first responder" means:
- 490 1. A physician licensed under chapter 458.
- 491 2. An osteopathic physician licensed under chapter 459.
- 492 3. A chiropractic physician licensed under chapter 460.
- 493 4. A podiatric physician licensed under chapter 461.

24-01080A-18

20181594__

- 494 5. A dentist licensed under chapter 466.
- 495 6. An advanced practice registered nurse ~~advanced~~
- 496 ~~registered nurse practitioner~~ certified under s. 464.012.
- 497 7. A physician assistant licensed under s. 458.347 or s.
- 498 459.022.
- 499 8. A worker employed by a public or private hospital in the
- 500 state.
- 501 9. A paramedic as defined in s. 401.23(17).
- 502 10. An emergency medical technician as defined in s.
- 503 401.23(11).
- 504 11. A firefighter as defined in s. 633.102.
- 505 12. A law enforcement officer as defined in s. 943.10.
- 506 13. A member of the Florida National Guard.
- 507 14. Any other personnel designated as emergency personnel
- 508 by the Governor pursuant to a declared emergency.
- 509 Section 12. Paragraph (c) of subsection (1) of section
- 510 310.071, Florida Statutes, is amended to read:
- 511 310.071 Deputy pilot certification.—
- 512 (1) In addition to meeting other requirements specified in
- 513 this chapter, each applicant for certification as a deputy pilot
- 514 must:
- 515 (c) Be in good physical and mental health, as evidenced by
- 516 documentary proof of having satisfactorily passed a complete
- 517 physical examination administered by a licensed physician within
- 518 the preceding 6 months. The board shall adopt rules to establish
- 519 requirements for passing the physical examination, which rules
- 520 shall establish minimum standards for the physical or mental
- 521 capabilities necessary to carry out the professional duties of a
- 522 certificated deputy pilot. Such standards shall include zero

24-01080A-18

20181594__

523 tolerance for any controlled substance regulated under chapter
524 893 unless that individual is under the care of a physician, an
525 advanced practice registered nurse ~~advanced registered nurse~~
526 ~~practitioner~~, or a physician assistant and that controlled
527 substance was prescribed by that physician, advanced practice
528 registered nurse ~~advanced registered nurse practitioner~~, or
529 physician assistant. To maintain eligibility as a certificated
530 deputy pilot, each certificated deputy pilot must annually
531 provide documentary proof of having satisfactorily passed a
532 complete physical examination administered by a licensed
533 physician. The physician must know the minimum standards and
534 certify that the certificateholder satisfactorily meets the
535 standards. The standards for certificateholders shall include a
536 drug test.

537 Section 13. Subsection (3) of section 310.073, Florida
538 Statutes, is amended to read:

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

542 (3) Be in good physical and mental health, as evidenced by
543 documentary proof of having satisfactorily passed a complete
544 physical examination administered by a licensed physician within
545 the preceding 6 months. The board shall adopt rules to establish
546 requirements for passing the physical examination, which rules
547 shall establish minimum standards for the physical or mental
548 capabilities necessary to carry out the professional duties of a
549 licensed state pilot. Such standards shall include zero
550 tolerance for any controlled substance regulated under chapter
551 893 unless that individual is under the care of a physician, an

24-01080A-18

20181594__

552 advanced practice registered nurse ~~advanced registered nurse~~
553 ~~practitioner~~, or a physician assistant and that controlled
554 substance was prescribed by that physician, advanced practice
555 registered nurse ~~advanced registered nurse practitioner~~, or
556 physician assistant. To maintain eligibility as a licensed state
557 pilot, each licensed state pilot must annually provide
558 documentary proof of having satisfactorily passed a complete
559 physical examination administered by a licensed physician. The
560 physician must know the minimum standards and certify that the
561 licensee satisfactorily meets the standards. The standards for
562 licensees shall include a drug test.

563 Section 14. Paragraph (b) of subsection (3) of section
564 310.081, Florida Statutes, is amended to read:

565 310.081 Department to examine and license state pilots and
566 certificate deputy pilots; vacancies.-

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

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

24-01080A-18

20181594__

581 assistant and that controlled substance was prescribed by that
582 physician, advanced practice registered nurse ~~advanced~~
583 ~~registered nurse practitioner~~, or physician assistant. To
584 maintain eligibility as a certificated deputy pilot or licensed
585 state pilot, each certificated deputy pilot or licensed state
586 pilot must annually provide documentary proof of having
587 satisfactorily passed a complete physical examination
588 administered by a licensed physician. The physician must know
589 the minimum standards and certify that the certificateholder or
590 licensee satisfactorily meets the standards. The standards for
591 certificateholders and for licensees shall include a drug test.

592

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

597 Section 15. Paragraph (b) of subsection (1) of section
598 320.0848, Florida Statutes, is amended to read:

599 320.0848 Persons who have disabilities; issuance of
600 disabled parking permits; temporary permits; permits for certain
601 providers of transportation services to persons who have
602 disabilities.—

603 (1)

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

608 a. Inability to walk without the use of or assistance from
609 a brace, cane, crutch, prosthetic device, or other assistive

24-01080A-18

20181594__

610 device, or without the assistance of another person. If the
611 assistive device significantly restores the person's ability to
612 walk to the extent that the person can walk without severe
613 limitation, the person is not eligible for the exemption parking
614 permit.

615 b. The need to permanently use a wheelchair.

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

621 d. Use of portable oxygen.

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

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

628 2. The certification of disability which is required under
629 subparagraph 1. must be provided by a physician licensed under
630 chapter 458, chapter 459, or chapter 460, by a podiatric
631 physician licensed under chapter 461, by an optometrist licensed
632 under chapter 463, by an advanced practice registered nurse
633 ~~advanced registered nurse practitioner~~ licensed under chapter
634 464 under the protocol of a licensed physician as stated in this
635 subparagraph, by a physician assistant licensed under chapter
636 458 or chapter 459, or by a similarly licensed physician from
637 another state if the application is accompanied by documentation
638 of the physician's licensure in the other state and a form

24-01080A-18

20181594__

639 signed by the out-of-state physician verifying his or her
640 knowledge of this state's eligibility guidelines.

641 Section 16. Paragraph (c) of subsection (1) of section
642 381.00315, Florida Statutes, is amended to read:

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

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

648 (c) "Public health emergency" means any occurrence, or
649 threat thereof, whether natural or manmade, which results or may
650 result in substantial injury or harm to the public health from
651 infectious disease, chemical agents, nuclear agents, biological
652 toxins, or situations involving mass casualties or natural
653 disasters. Before declaring a public health emergency, the State
654 Health Officer shall, to the extent possible, consult with the
655 Governor and shall notify the Chief of Domestic Security. The
656 declaration of a public health emergency shall continue until
657 the State Health Officer finds that the threat or danger has
658 been dealt with to the extent that the emergency conditions no
659 longer exist and he or she terminates the declaration. However,
660 a declaration of a public health emergency may not continue for
661 longer than 60 days unless the Governor concurs in the renewal
662 of the declaration. The State Health Officer, upon declaration
663 of a public health emergency, may take actions that are
664 necessary to protect the public health. Such actions include,
665 but are not limited to:

666 1. Directing manufacturers of prescription drugs or over-
667 the-counter drugs who are permitted under chapter 499 and

24-01080A-18

20181594__

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

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

683 3. Notwithstanding s. 456.036, temporarily reactivating the
684 inactive license of the following health care practitioners,
685 when such practitioners are needed to respond to the public
686 health emergency: physicians licensed under chapter 458 or
687 chapter 459; physician assistants licensed under chapter 458 or
688 chapter 459; licensed practical nurses, registered nurses, and
689 advanced practice registered nurses ~~advanced registered nurse~~
690 ~~practitioners~~ licensed under part I of chapter 464; respiratory
691 therapists licensed under part V of chapter 468; and emergency
692 medical technicians and paramedics certified under part III of
693 chapter 401. Only those health care practitioners specified in
694 this paragraph who possess an unencumbered inactive license and
695 who request that such license be reactivated are eligible for
696 reactivation. An inactive license that is reactivated under this

24-01080A-18

20181594__

697 paragraph shall return to inactive status when the public health
698 emergency ends or before the end of the public health emergency
699 if the State Health Officer determines that the health care
700 practitioner is no longer needed to provide services during the
701 public health emergency. Such licenses may only be reactivated
702 for a period not to exceed 90 days without meeting the
703 requirements of s. 456.036 or chapter 401, as applicable.

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

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

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

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

723 Section 17. Subsection (3) of section 381.00593, Florida
724 Statutes, is amended to read:

725 381.00593 Public school volunteer health care practitioner

24-01080A-18

20181594__

726 program.—

727 (3) For purposes of this section, the term "health care
728 practitioner" means a physician licensed under chapter 458; an
729 osteopathic physician licensed under chapter 459; a chiropractic
730 physician licensed under chapter 460; a podiatric physician
731 licensed under chapter 461; an optometrist licensed under
732 chapter 463; an advanced practice registered nurse ~~advanced~~
733 ~~registered nurse practitioner~~, registered nurse, or licensed
734 practical nurse licensed under part I of chapter 464; a
735 pharmacist licensed under chapter 465; a dentist or dental
736 hygienist licensed under chapter 466; a midwife licensed under
737 chapter 467; a speech-language pathologist or audiologist
738 licensed under part I of chapter 468; a dietitian/nutritionist
739 licensed under part X of chapter 468; or a physical therapist
740 licensed under chapter 486.

741 Section 18. Paragraph (c) of subsection (1) of section
742 383.14, Florida Statutes, is amended to read:

743 383.14 Screening for metabolic disorders, other hereditary
744 and congenital disorders, and environmental risk factors.—

745 (1) SCREENING REQUIREMENTS.—To help ensure access to the
746 maternal and child health care system, the Department of Health
747 shall promote the screening of all newborns born in Florida for
748 metabolic, hereditary, and congenital disorders known to result
749 in significant impairment of health or intellect, as screening
750 programs accepted by current medical practice become available
751 and practical in the judgment of the department. The department
752 shall also promote the identification and screening of all
753 newborns in this state and their families for environmental risk
754 factors such as low income, poor education, maternal and family

24-01080A-18

20181594__

755 stress, emotional instability, substance abuse, and other high-
756 risk conditions associated with increased risk of infant
757 mortality and morbidity to provide early intervention,
758 remediation, and prevention services, including, but not limited
759 to, parent support and training programs, home visitation, and
760 case management. Identification, perinatal screening, and
761 intervention efforts shall begin prior to and immediately
762 following the birth of the child by the attending health care
763 provider. Such efforts shall be conducted in hospitals,
764 perinatal centers, county health departments, school health
765 programs that provide prenatal care, and birthing centers, and
766 reported to the Office of Vital Statistics.

767 (c) *Release of screening results.*—Notwithstanding any law
768 to the contrary, the State Public Health Laboratory may release,
769 directly or through the Children’s Medical Services program, the
770 results of a newborn’s hearing and metabolic tests or screenings
771 to the newborn’s health care practitioner, the newborn’s parent
772 or legal guardian, the newborn’s personal representative, or a
773 person designated by the newborn’s parent or legal guardian. As
774 used in this paragraph, the term “health care practitioner”
775 means a physician or physician assistant licensed under chapter
776 458; an osteopathic physician or physician assistant licensed
777 under chapter 459; an advanced practice registered nurse
778 ~~advanced registered nurse practitioner~~, registered nurse, or
779 licensed practical nurse licensed under part I of chapter 464; a
780 midwife licensed under chapter 467; a speech-language
781 pathologist or audiologist licensed under part I of chapter 468;
782 or a dietician or nutritionist licensed under part X of chapter
783 468.

24-01080A-18

20181594__

784 Section 19. Paragraph (c) of subsection (1) of section
785 383.141, Florida Statutes, is amended to read:

786 383.141 Prenatally diagnosed conditions; patient to be
787 provided information; definitions; information clearinghouse;
788 advisory council.—

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

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

794 Section 20. Paragraph (a) of subsection (3) of section
795 390.0111, Florida Statutes, is amended to read:

796 390.0111 Termination of pregnancies.—

797 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
798 be performed or induced except with the voluntary and informed
799 written consent of the pregnant woman or, in the case of a
800 mental incompetent, the voluntary and informed written consent
801 of her court-appointed guardian.

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

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

808 a. The nature and risks of undergoing or not undergoing the
809 proposed procedure that a reasonable patient would consider
810 material to making a knowing and willful decision of whether to
811 terminate a pregnancy.

812 b. The probable gestational age of the fetus, verified by

24-01080A-18

20181594__

813 an ultrasound, at the time the termination of pregnancy is to be
814 performed.

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

820 (II) The person performing the ultrasound must offer the
821 woman the opportunity to view the live ultrasound images and
822 hear an explanation of them. If the woman accepts the
823 opportunity to view the images and hear the explanation, a
824 physician or a registered nurse, licensed practical nurse,
825 advanced practice registered nurse ~~advanced registered nurse~~
826 ~~practitioner~~, or physician assistant working in conjunction with
827 the physician must contemporaneously review and explain the
828 images to the woman before the woman gives informed consent to
829 having an abortion procedure performed.

830 (III) The woman has a right to decline to view and hear the
831 explanation of the live ultrasound images after she is informed
832 of her right and offered an opportunity to view the images and
833 hear the explanation. If the woman declines, the woman shall
834 complete a form acknowledging that she was offered an
835 opportunity to view and hear the explanation of the images but
836 that she declined that opportunity. The form must also indicate
837 that the woman's decision was not based on any undue influence
838 from any person to discourage her from viewing the images or
839 hearing the explanation and that she declined of her own free
840 will.

841 (IV) Unless requested by the woman, the person performing

24-01080A-18

20181594__

842 the ultrasound may not offer the opportunity to view the images
843 and hear the explanation and the explanation may not be given
844 if, at the time the woman schedules or arrives for her
845 appointment to obtain an abortion, a copy of a restraining
846 order, police report, medical record, or other court order or
847 documentation is presented which provides evidence that the
848 woman is obtaining the abortion because the woman is a victim of
849 rape, incest, domestic violence, or human trafficking or that
850 the woman has been diagnosed as having a condition that, on the
851 basis of a physician's good faith clinical judgment, would
852 create a serious risk of substantial and irreversible impairment
853 of a major bodily function if the woman delayed terminating her
854 pregnancy.

855 c. The medical risks to the woman and fetus of carrying the
856 pregnancy to term.

857
858 The physician may provide the information required in this
859 subparagraph within 24 hours before the procedure if requested
860 by the woman at the time she schedules or arrives for her
861 appointment to obtain an abortion and if she presents to the
862 physician a copy of a restraining order, police report, medical
863 record, or other court order or documentation evidencing that
864 she is obtaining the abortion because she is a victim of rape,
865 incest, domestic violence, or human trafficking.

866 2. Printed materials prepared and provided by the
867 department have been provided to the pregnant woman, if she
868 chooses to view these materials, including:

869 a. A description of the fetus, including a description of
870 the various stages of development.

24-01080A-18

20181594__

871 b. A list of entities that offer alternatives to
872 terminating the pregnancy.

873 c. Detailed information on the availability of medical
874 assistance benefits for prenatal care, childbirth, and neonatal
875 care.

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

879

880 Nothing in this paragraph is intended to prohibit a physician
881 from providing any additional information which the physician
882 deems material to the woman's informed decision to terminate her
883 pregnancy.

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

886 390.012 Powers of agency; rules; disposal of fetal
887 remains.-

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

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

894 1. The abortion clinic designate a medical director who is
895 licensed to practice medicine in this state, and all physicians
896 who perform abortions in the clinic have admitting privileges at
897 a hospital within reasonable proximity to the clinic, unless the
898 clinic has a written patient transfer agreement with a hospital
899 within reasonable proximity to the clinic which includes the

24-01080A-18

20181594__

900 transfer of the patient's medical records held by both the
901 clinic and the treating physician.

902 2. If a physician is not present after an abortion is
903 performed, a registered nurse, licensed practical nurse,
904 advanced practice registered nurse ~~advanced registered nurse~~
905 ~~practitioner~~, or physician assistant be present and remain at
906 the clinic to provide postoperative monitoring and care until
907 the patient is discharged.

908 3. Surgical assistants receive training in counseling,
909 patient advocacy, and the specific responsibilities associated
910 with the services the surgical assistants provide.

911 4. Volunteers receive training in the specific
912 responsibilities associated with the services the volunteers
913 provide, including counseling and patient advocacy as provided
914 in the rules adopted by the director for different types of
915 volunteers based on their responsibilities.

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

918 1. That a physician, registered nurse, licensed practical
919 nurse, advanced practice registered nurse ~~advanced registered~~
920 ~~nurse practitioner~~, or physician assistant is available to all
921 patients throughout the abortion procedure.

922 2. Standards for the safe conduct of abortion procedures
923 that conform to obstetric standards in keeping with established
924 standards of care regarding the estimation of fetal age as
925 defined in rule.

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

928 4. Appropriate precautions, such as the establishment of

24-01080A-18

20181594__

929 intravenous access at least for patients undergoing post-first
930 trimester abortions.

931 5. Appropriate monitoring of the vital signs and other
932 defined signs and markers of the patient's status throughout the
933 abortion procedure and during the recovery period until the
934 patient's condition is deemed to be stable in the recovery room.

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

936 At a minimum, these rules must require that:

937 1. Postprocedure recovery rooms be supervised and staffed
938 to meet the patients' needs.

939 2. Immediate postprocedure care consist of observation in a
940 supervised recovery room for as long as the patient's condition
941 warrants.

942 3. A registered nurse, licensed practical nurse, advanced
943 practice registered nurse ~~advanced registered nurse~~
944 ~~practitioner~~, or physician assistant who is trained in the
945 management of the recovery area and is capable of providing
946 basic cardiopulmonary resuscitation and related emergency
947 procedures remain on the premises of the abortion clinic until
948 all patients are discharged.

949 4. A physician sign the discharge order and be readily
950 accessible and available until the last patient is discharged to
951 facilitate the transfer of emergency cases if hospitalization of
952 the patient or viable fetus is necessary.

953 5. A physician discuss Rho(D) immune globulin with each
954 patient for whom it is indicated and ensure that it is offered
955 to the patient in the immediate postoperative period or will be
956 available to her within 72 hours after completion of the
957 abortion procedure. If the patient refuses the Rho(D) immune

24-01080A-18

20181594__

958 globulin, she and a witness must sign a refusal form approved by
959 the agency which must be included in the medical record.

960 6. Written instructions with regard to postabortion coitus,
961 signs of possible problems, and general aftercare which are
962 specific to the patient be given to each patient. The
963 instructions must include information regarding access to
964 medical care for complications, including a telephone number for
965 use in the event of a medical emergency.

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

969 8. The physician ensure that, with the patient's consent, a
970 registered nurse, licensed practical nurse, advanced practice
971 registered nurse ~~advanced registered nurse practitioner~~, or
972 physician assistant from the abortion clinic makes a good faith
973 effort to contact the patient by telephone within 24 hours after
974 surgery to assess the patient's recovery.

975 9. Equipment and services be readily accessible to provide
976 appropriate emergency resuscitative and life support procedures
977 pending the transfer of the patient or viable fetus to the
978 hospital.

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

981 394.455 Definitions.—As used in this part, the term:

982 (35) "Psychiatric nurse" means an advanced practice
983 registered nurse ~~advanced registered nurse practitioner~~
984 certified under s. 464.012 who has a master's or doctoral degree
985 in psychiatric nursing, holds a national advanced practice
986 certification as a psychiatric mental health advanced practice

24-01080A-18

20181594__

987 nurse, and has 2 years of post-master's clinical experience
988 under the supervision of a physician.

989 (44) "Service provider" means a receiving facility, a
990 facility licensed under chapter 397, a treatment facility, an
991 entity under contract with the department to provide mental
992 health or substance abuse services, a community mental health
993 center or clinic, a psychologist, a clinical social worker, a
994 marriage and family therapist, a mental health counselor, a
995 physician, a psychiatrist, an advanced practice registered nurse
996 ~~advanced registered nurse practitioner~~, a psychiatric nurse, or
997 a qualified professional as defined in s. 39.01.

998 Section 23. Paragraphs (a) and (b) of subsection (2) and
999 subsection (4) of section 395.0191, Florida Statutes, are
1000 amended to read:

1001 395.0191 Staff membership and clinical privileges.—

1002 (2) (a) Each licensed facility shall establish rules and
1003 procedures for consideration of an application for clinical
1004 privileges submitted by an advanced practice registered nurse
1005 ~~advanced registered nurse practitioner~~ licensed and certified
1006 under part I of chapter 464, in accordance with the provisions
1007 of this section. No licensed facility shall deny such
1008 application solely because the applicant is licensed under part
1009 I of chapter 464 or because the applicant is not a participant
1010 in the Florida Birth-Related Neurological Injury Compensation
1011 Plan.

1012 (b) An advanced practice registered nurse ~~advanced~~
1013 ~~registered nurse practitioner~~ who is certified as a registered
1014 nurse anesthetist licensed under part I of chapter 464 shall
1015 administer anesthesia under the onsite medical direction of a

24-01080A-18

20181594__

1016 professional licensed under chapter 458, chapter 459, or chapter
1017 466, and in accordance with an established protocol approved by
1018 the medical staff. The medical direction shall specifically
1019 address the needs of the individual patient.

1020 (4) Nothing herein shall restrict in any way the authority
1021 of the medical staff of a licensed facility to review for
1022 approval or disapproval all applications for appointment and
1023 reappointment to all categories of staff and to make
1024 recommendations on each applicant to the governing board,
1025 including the delineation of privileges to be granted in each
1026 case. In making such recommendations and in the delineation of
1027 privileges, each applicant shall be considered individually
1028 pursuant to criteria for a doctor licensed under chapter 458,
1029 chapter 459, chapter 461, or chapter 466, or for an advanced
1030 practice registered nurse ~~advanced registered nurse practitioner~~
1031 licensed and certified under part I of chapter 464, or for a
1032 psychologist licensed under chapter 490, as applicable. The
1033 applicant's eligibility for staff membership or clinical
1034 privileges shall be determined by the applicant's background,
1035 experience, health, training, and demonstrated competency; the
1036 applicant's adherence to applicable professional ethics; the
1037 applicant's reputation; and the applicant's ability to work with
1038 others and by such other elements as determined by the governing
1039 board, consistent with this part.

1040 Section 24. Subsection (34) of section 397.311, Florida
1041 Statutes, is amended to read:

1042 397.311 Definitions.—As used in this chapter, except part
1043 VIII, the term:

1044 (34) "Qualified professional" means a physician or a

24-01080A-18

20181594__

1045 physician assistant licensed under chapter 458 or chapter 459; a
 1046 professional licensed under chapter 490 or chapter 491; an
 1047 advanced practice registered nurse ~~advanced registered nurse~~
 1048 ~~practitioner~~ licensed under part I of chapter 464; or a person
 1049 who is certified through a department-recognized certification
 1050 process for substance abuse treatment services and who holds, at
 1051 a minimum, a bachelor's degree. A person who is certified in
 1052 substance abuse treatment services by a state-recognized
 1053 certification process in another state at the time of employment
 1054 with a licensed substance abuse provider in this state may
 1055 perform the functions of a qualified professional as defined in
 1056 this chapter but must meet certification requirements contained
 1057 in this subsection no later than 1 year after his or her date of
 1058 employment.

1059 Section 25. Section 397.4012, Florida Statutes, is amended
 1060 to read:

1061 397.4012 Exemptions from licensure.—The following are
 1062 exempt from the licensing provisions of this chapter:

1063 (1) A hospital or hospital-based component licensed under
 1064 chapter 395.

1065 (2) A nursing home facility as defined in s. 400.021.

1066 (3) A substance abuse education program established
 1067 pursuant to s. 1003.42.

1068 (4) A facility or institution operated by the Federal
 1069 Government.

1070 (5) A physician or physician assistant licensed under
 1071 chapter 458 or chapter 459.

1072 (6) A psychologist licensed under chapter 490.

1073 (7) A social worker, marriage and family therapist, or

24-01080A-18

20181594__

1074 mental health counselor licensed under chapter 491.

1075 (8) A legally cognizable church or nonprofit religious
1076 organization or denomination providing substance abuse services,
1077 including prevention services, which are solely religious,
1078 spiritual, or ecclesiastical in nature. A church or nonprofit
1079 religious organization or denomination providing any of the
1080 licensed service components itemized under s. 397.311(26) is not
1081 exempt from substance abuse licensure but retains its exemption
1082 with respect to all services which are solely religious,
1083 spiritual, or ecclesiastical in nature.

1084 (9) Facilities licensed under chapter 393 which, in
1085 addition to providing services to persons with developmental
1086 disabilities, also provide services to persons developmentally
1087 at risk as a consequence of exposure to alcohol or other legal
1088 or illegal drugs while in utero.

1089 (10) DUI education and screening services provided pursuant
1090 to ss. 316.192, 316.193, 322.095, 322.271, and 322.291. Persons
1091 or entities providing treatment services must be licensed under
1092 this chapter unless exempted from licensing as provided in this
1093 section.

1094 (11) A facility licensed under s. 394.875 as a crisis
1095 stabilization unit.

1096
1097 The exemptions from licensure in this section do not apply to
1098 any service provider that receives an appropriation, grant, or
1099 contract from the state to operate as a service provider as
1100 defined in this chapter or to any substance abuse program
1101 regulated pursuant to s. 397.4014. Furthermore, this chapter may
1102 not be construed to limit the practice of a physician or

24-01080A-18

20181594__

1103 physician assistant licensed under chapter 458 or chapter 459, a
 1104 psychologist licensed under chapter 490, a psychotherapist
 1105 licensed under chapter 491, or an advanced practice registered
 1106 nurse ~~advanced registered nurse practitioner~~ licensed under part
 1107 I of chapter 464, who provides substance abuse treatment, so
 1108 long as the physician, physician assistant, psychologist,
 1109 psychotherapist, or advanced practice registered nurse ~~advanced~~
 1110 ~~registered nurse practitioner~~ does not represent to the public
 1111 that he or she is a licensed service provider and does not
 1112 provide services to individuals pursuant to part V of this
 1113 chapter. Failure to comply with any requirement necessary to
 1114 maintain an exempt status under this section is a misdemeanor of
 1115 the first degree, punishable as provided in s. 775.082 or s.
 1116 775.083.

1117 Section 26. Subsections (4), (7), and (8) of section
 1118 397.427, Florida Statutes, are amended to read:

1119 397.427 Medication-assisted treatment service providers;
 1120 rehabilitation program; needs assessment and provision of
 1121 services; persons authorized to issue takeout medication;
 1122 unlawful operation; penalty.—

1123 (4) Notwithstanding s. 465.019(2), a physician assistant, a
 1124 registered nurse, an advanced practice registered nurse ~~advanced~~
 1125 ~~registered nurse practitioner~~, or a licensed practical nurse
 1126 working for a licensed service provider may deliver takeout
 1127 medication for opiate treatment to persons enrolled in a
 1128 maintenance treatment program for medication-assisted treatment
 1129 for opiate addiction if:

1130 (a) The medication-assisted treatment program for opiate
 1131 addiction has an appropriate valid permit issued pursuant to

24-01080A-18

20181594__

1132 rules adopted by the Board of Pharmacy;

1133 (b) The medication for treatment of opiate addiction has
1134 been delivered pursuant to a valid prescription written by the
1135 program's physician licensed pursuant to chapter 458 or chapter
1136 459;

1137 (c) The medication for treatment of opiate addiction which
1138 is ordered appears on a formulary and is prepackaged and
1139 prelabeled with dosage instructions and distributed from a
1140 source authorized under chapter 499;

1141 (d) Each licensed provider adopts written protocols which
1142 provide for supervision of the physician assistant, registered
1143 nurse, advanced practice registered nurse ~~advanced registered~~
1144 ~~nurse practitioner~~, or licensed practical nurse by a physician
1145 licensed pursuant to chapter 458 or chapter 459 and for the
1146 procedures by which patients' medications may be delivered by
1147 the physician assistant, registered nurse, advanced practice
1148 registered nurse ~~advanced registered nurse practitioner~~, or
1149 licensed practical nurse. Such protocols shall be signed by the
1150 supervising physician and either the administering registered
1151 nurse, the advanced practice registered nurse ~~advanced~~
1152 ~~registered nurse practitioner~~, or the licensed practical nurse.

1153 (e) Each licensed service provider maintains and has
1154 available for inspection by representatives of the Board of
1155 Pharmacy all medical records and patient care protocols,
1156 including records of medications delivered to patients, in
1157 accordance with the board.

1158 (7) A physician assistant, a registered nurse, an advanced
1159 practice registered nurse ~~advanced registered nurse~~
1160 ~~practitioner~~, or a licensed practical nurse working for a

24-01080A-18

20181594__

1161 licensed service provider may deliver medication as prescribed
1162 by rule if:

1163 (a) The service provider is authorized to provide
1164 medication-assisted treatment;

1165 (b) The medication has been administered pursuant to a
1166 valid prescription written by the program's physician who is
1167 licensed under chapter 458 or chapter 459; and

1168 (c) The medication ordered appears on a formulary or meets
1169 federal requirements for medication-assisted treatment.

1170 (8) Each licensed service provider that provides
1171 medication-assisted treatment must adopt written protocols as
1172 specified by the department and in accordance with federally
1173 required rules, regulations, or procedures. The protocol shall
1174 provide for the supervision of the physician assistant,
1175 registered nurse, advanced practice registered nurse ~~advanced~~
1176 ~~registered nurse practitioner~~, or licensed practical nurse
1177 working under the supervision of a physician who is licensed
1178 under chapter 458 or chapter 459. The protocol must specify how
1179 the medication will be used in conjunction with counseling or
1180 psychosocial treatment and that the services provided will be
1181 included on the treatment plan. The protocol must specify the
1182 procedures by which medication-assisted treatment may be
1183 administered by the physician assistant, registered nurse,
1184 advanced practice registered nurse ~~advanced registered nurse~~
1185 ~~practitioner~~, or licensed practical nurse. These protocols shall
1186 be signed by the supervising physician and the administering
1187 physician assistant, registered nurse, advanced practice
1188 registered nurse ~~advanced registered nurse practitioner~~, or
1189 licensed practical nurse.

24-01080A-18

20181594__

1190 Section 27. Section 397.679, Florida Statutes, is amended
1191 to read:

1192 397.679 Emergency admission; circumstances justifying.—A
1193 person who meets the criteria for involuntary admission in s.
1194 397.675 may be admitted to a hospital or to a licensed
1195 detoxification facility or addictions receiving facility for
1196 emergency assessment and stabilization, or to a less intensive
1197 component of a licensed service provider for assessment only,
1198 upon receipt by the facility of a certificate by a physician, an
1199 advanced practice registered nurse ~~advanced registered nurse~~
1200 ~~practitioner~~, a psychiatric nurse, a clinical psychologist, a
1201 clinical social worker, a marriage and family therapist, a
1202 mental health counselor, a physician assistant working under the
1203 scope of practice of the supervising physician, or a master's-
1204 level-certified addictions professional for substance abuse
1205 services, if the certificate is specific to substance abuse
1206 impairment, and the completion of an application for emergency
1207 admission.

1208 Section 28. Subsection (1) of section 397.6793, Florida
1209 Statutes, is amended to read:

1210 397.6793 Professional's certificate for emergency
1211 admission.—

1212 (1) A physician, a clinical psychologist, a physician
1213 assistant working under the scope of practice of the supervising
1214 physician, a psychiatric nurse, an advanced practice registered
1215 nurse ~~advanced registered nurse practitioner~~, a mental health
1216 counselor, a marriage and family therapist, a master's-level-
1217 certified addictions professional for substance abuse services,
1218 or a clinical social worker may execute a professional's

24-01080A-18

20181594__

1219 certificate for emergency admission. The professional's
1220 certificate must include the name of the person to be admitted,
1221 the relationship between the person and the professional
1222 executing the certificate, the relationship between the
1223 applicant and the professional, any relationship between the
1224 professional and the licensed service provider, a statement that
1225 the person has been examined and assessed within the preceding 5
1226 days after the application date, and factual allegations with
1227 respect to the need for emergency admission, including:

1228 (a) The reason for the belief that the person is substance
1229 abuse impaired;

1230 (b) The reason for the belief that because of such
1231 impairment the person has lost the power of self-control with
1232 respect to substance abuse; and

1233 (c) 1. The reason for the belief that, without care or
1234 treatment, the person is likely to suffer from neglect or refuse
1235 to care for himself or herself; that such neglect or refusal
1236 poses a real and present threat of substantial harm to his or
1237 her well-being; and that it is not apparent that such harm may
1238 be avoided through the help of willing family members or friends
1239 or the provision of other services, or there is substantial
1240 likelihood that the person has inflicted or, unless admitted, is
1241 likely to inflict, physical harm on himself, herself, or
1242 another; or

1243 2. The reason for the belief that the person's refusal to
1244 voluntarily receive care is based on judgment so impaired by
1245 reason of substance abuse that the person is incapable of
1246 appreciating his or her need for care and of making a rational
1247 decision regarding his or her need for care.

24-01080A-18

20181594__

1248 Section 29. Subsection (8) of section 400.021, Florida
1249 Statutes, is amended to read:

1250 400.021 Definitions.—When used in this part, unless the
1251 context otherwise requires, the term:

1252 (8) "Geriatric outpatient clinic" means a site for
1253 providing outpatient health care to persons 60 years of age or
1254 older, which is staffed by a registered nurse, a physician
1255 assistant, or a licensed practical nurse under the direct
1256 supervision of a registered nurse, advanced practice registered
1257 nurse ~~advanced registered nurse practitioner~~, physician
1258 assistant, or physician.

1259 Section 30. Subsection (3) of section 400.462, Florida
1260 Statutes, is amended to read:

1261 400.462 Definitions.—As used in this part, the term:

1262 (3) "Advanced practice registered nurse" ~~"Advanced~~
1263 ~~registered nurse practitioner"~~ means a person licensed in this
1264 state to practice professional nursing and certified in advanced
1265 or specialized nursing practice, as defined in s. 464.003.

1266 Section 31. Section 400.487, Florida Statutes, is amended
1267 to read:

1268 400.487 Home health service agreements; physician's,
1269 physician assistant's, and advanced practice registered nurse's
1270 ~~advanced registered nurse practitioner's~~ treatment orders;
1271 patient assessment; establishment and review of plan of care;
1272 provision of services; orders not to resuscitate.—

1273 (1) Services provided by a home health agency must be
1274 covered by an agreement between the home health agency and the
1275 patient or the patient's legal representative specifying the
1276 home health services to be provided, the rates or charges for

24-01080A-18

20181594__

1277 services paid with private funds, and the sources of payment,
1278 which may include Medicare, Medicaid, private insurance,
1279 personal funds, or a combination thereof. A home health agency
1280 providing skilled care must make an assessment of the patient's
1281 needs within 48 hours after the start of services.

1282 (2) When required by the provisions of chapter 464; part I,
1283 part III, or part V of chapter 468; or chapter 486, the
1284 attending physician, physician assistant, or advanced practice
1285 registered nurse ~~advanced registered nurse practitioner~~, acting
1286 within his or her respective scope of practice, shall establish
1287 treatment orders for a patient who is to receive skilled care.
1288 The treatment orders must be signed by the physician, physician
1289 assistant, or advanced practice registered nurse ~~advanced~~
1290 ~~registered nurse practitioner~~ before a claim for payment for the
1291 skilled services is submitted by the home health agency. If the
1292 claim is submitted to a managed care organization, the treatment
1293 orders must be signed within the time allowed under the provider
1294 agreement. The treatment orders shall be reviewed, as frequently
1295 as the patient's illness requires, by the physician, physician
1296 assistant, or advanced practice registered nurse ~~advanced~~
1297 ~~registered nurse practitioner~~ in consultation with the home
1298 health agency.

1299 (3) A home health agency shall arrange for supervisory
1300 visits by a registered nurse to the home of a patient receiving
1301 home health aide services in accordance with the patient's
1302 direction, approval, and agreement to pay the charge for the
1303 visits.

1304 (4) Each patient has the right to be informed of and to
1305 participate in the planning of his or her care. Each patient

24-01080A-18

20181594__

1306 must be provided, upon request, a copy of the plan of care
1307 established and maintained for that patient by the home health
1308 agency.

1309 (5) When nursing services are ordered, the home health
1310 agency to which a patient has been admitted for care must
1311 provide the initial admission visit, all service evaluation
1312 visits, and the discharge visit by a direct employee. Services
1313 provided by others under contractual arrangements to a home
1314 health agency must be monitored and managed by the admitting
1315 home health agency. The admitting home health agency is fully
1316 responsible for ensuring that all care provided through its
1317 employees or contract staff is delivered in accordance with this
1318 part and applicable rules.

1319 (6) The skilled care services provided by a home health
1320 agency, directly or under contract, must be supervised and
1321 coordinated in accordance with the plan of care.

1322 (7) Home health agency personnel may withhold or withdraw
1323 cardiopulmonary resuscitation if presented with an order not to
1324 resuscitate executed pursuant to s. 401.45. The agency shall
1325 adopt rules providing for the implementation of such orders.
1326 Home health personnel and agencies shall not be subject to
1327 criminal prosecution or civil liability, nor be considered to
1328 have engaged in negligent or unprofessional conduct, for
1329 withholding or withdrawing cardiopulmonary resuscitation
1330 pursuant to such an order and rules adopted by the agency.

1331 Section 32. Paragraph (a) of subsection (13) of section
1332 400.506, Florida Statutes, is amended to read:

1333 400.506 Licensure of nurse registries; requirements;
1334 penalties.—

24-01080A-18

20181594__

1335 (13) All persons referred for contract in private
1336 residences by a nurse registry must comply with the following
1337 requirements for a plan of treatment:

1338 (a) When, in accordance with the privileges and
1339 restrictions imposed upon a nurse under part I of chapter 464,
1340 the delivery of care to a patient is under the direction or
1341 supervision of a physician or when a physician is responsible
1342 for the medical care of the patient, a medical plan of treatment
1343 must be established for each patient receiving care or treatment
1344 provided by a licensed nurse in the home. The original medical
1345 plan of treatment must be timely signed by the physician,
1346 physician assistant, or advanced practice registered nurse
1347 ~~advanced registered nurse practitioner~~, acting within his or her
1348 respective scope of practice, and reviewed in consultation with
1349 the licensed nurse at least every 2 months. Any additional order
1350 or change in orders must be obtained from the physician,
1351 physician assistant, or advanced practice registered nurse
1352 ~~advanced registered nurse practitioner~~ and reduced to writing
1353 and timely signed by the physician, physician assistant, or
1354 advanced practice registered nurse ~~advanced registered nurse~~
1355 ~~practitioner~~. The delivery of care under a medical plan of
1356 treatment must be substantiated by the appropriate nursing notes
1357 or documentation made by the nurse in compliance with nursing
1358 practices established under part I of chapter 464.

1359 Section 33. Subsections (5) and (7) of section 400.9973,
1360 Florida Statutes, are amended to read:

1361 400.9973 Client admission, transfer, and discharge.—

1362 (5) A client admitted to a transitional living facility
1363 must be admitted upon prescription by a licensed physician,

24-01080A-18

20181594__

1364 physician assistant, or advanced practice registered nurse
1365 ~~advanced registered nurse practitioner~~ and must remain under the
1366 care of a licensed physician, physician assistant, or advanced
1367 practice registered nurse ~~advanced registered nurse practitioner~~
1368 for the duration of the client's stay in the facility.

1369 (7) A person may not be admitted to a transitional living
1370 facility if the person:

1371 (a) Presents significant risk of infection to other clients
1372 or personnel. A health care practitioner must provide
1373 documentation that the person is free of apparent signs and
1374 symptoms of communicable disease;

1375 (b) Is a danger to himself or herself or others as
1376 determined by a physician, physician assistant, ~~or~~ advanced
1377 practice registered nurse, ~~advanced registered nurse~~
1378 ~~practitioner~~ or a mental health practitioner licensed under
1379 chapter 490 or chapter 491, unless the facility provides
1380 adequate staffing and support to ensure patient safety;

1381 (c) Is bedridden; or

1382 (d) Requires 24-hour nursing supervision.

1383 Section 34. Subsection (1) and paragraphs (a) and (b) of
1384 subsection (2) of section 400.9974, Florida Statutes, are
1385 amended to read:

1386 400.9974 Client comprehensive treatment plans; client
1387 services.—

1388 (1) A transitional living facility shall develop a
1389 comprehensive treatment plan for each client as soon as
1390 practicable but no later than 30 days after the initial
1391 comprehensive treatment plan is developed. The comprehensive
1392 treatment plan must be developed by an interdisciplinary team

24-01080A-18

20181594__

1393 consisting of the case manager, the program director, the
1394 advanced practice registered nurse ~~advanced registered nurse~~
1395 ~~practitioner~~, and appropriate therapists. The client or, if
1396 appropriate, the client's representative must be included in
1397 developing the comprehensive treatment plan. The comprehensive
1398 treatment plan must be reviewed and updated if the client fails
1399 to meet projected improvements outlined in the plan or if a
1400 significant change in the client's condition occurs. The
1401 comprehensive treatment plan must be reviewed and updated at
1402 least once monthly.

1403 (2) The comprehensive treatment plan must include:

1404 (a) Orders obtained from the physician, physician
1405 assistant, or advanced practice registered nurse ~~advanced~~
1406 ~~registered nurse practitioner~~ and the client's diagnosis,
1407 medical history, physical examination, and rehabilitative or
1408 restorative needs.

1409 (b) A preliminary nursing evaluation, including orders for
1410 immediate care provided by the physician, physician assistant,
1411 or advanced practice registered nurse ~~advanced registered nurse~~
1412 ~~practitioner~~, which shall be completed when the client is
1413 admitted.

1414 Section 35. Section 400.9976, Florida Statutes, is amended
1415 to read:

1416 400.9976 Administration of medication.—

1417 (1) An individual medication administration record must be
1418 maintained for each client. A dose of medication, including a
1419 self-administered dose, shall be properly recorded in the
1420 client's record. A client who self-administers medication shall
1421 be given a pill organizer. Medication must be placed in the pill

24-01080A-18

20181594__

1422 organizer by a nurse. A nurse shall document the date and time
1423 that medication is placed into each client's pill organizer. All
1424 medications must be administered in compliance with orders of a
1425 physician, physician assistant, or advanced practice registered
1426 nurse ~~advanced registered nurse practitioner~~.

1427 (2) If an interdisciplinary team determines that self-
1428 administration of medication is an appropriate objective, and if
1429 the physician, physician assistant, or advanced practice
1430 registered nurse ~~advanced registered nurse practitioner~~ does not
1431 specify otherwise, the client must be instructed by the
1432 physician, physician assistant, or advanced practice registered
1433 nurse ~~advanced registered nurse practitioner~~ to self-administer
1434 his or her medication without the assistance of a staff person.
1435 All forms of self-administration of medication, including
1436 administration orally, by injection, and by suppository, shall
1437 be included in the training. The client's physician, physician
1438 assistant, or advanced practice registered nurse ~~advanced~~
1439 ~~registered nurse practitioner~~ must be informed of the
1440 interdisciplinary team's decision that self-administration of
1441 medication is an objective for the client. A client may not
1442 self-administer medication until he or she demonstrates the
1443 competency to take the correct medication in the correct dosage
1444 at the correct time, to respond to missed doses, and to contact
1445 the appropriate person with questions.

1446 (3) Medication administration discrepancies and adverse
1447 drug reactions must be recorded and reported immediately to a
1448 physician, physician assistant, or advanced practice registered
1449 nurse ~~advanced registered nurse practitioner~~.

1450 Section 36. Subsections (2) through (5) of section

24-01080A-18

20181594__

1451 400.9979, Florida Statutes, are amended to read:

1452 400.9979 Restraint and seclusion; client safety.—

1453 (2) The use of physical restraints must be ordered and
1454 documented by a physician, physician assistant, or advanced
1455 practice registered nurse ~~advanced registered nurse practitioner~~
1456 and must be consistent with the policies and procedures adopted
1457 by the facility. The client or, if applicable, the client's
1458 representative shall be informed of the facility's physical
1459 restraint policies and procedures when the client is admitted.

1460 (3) The use of chemical restraints shall be limited to
1461 prescribed dosages of medications as ordered by a physician,
1462 physician assistant, or advanced practice registered nurse
1463 ~~advanced registered nurse practitioner~~ and must be consistent
1464 with the client's diagnosis and the policies and procedures
1465 adopted by the facility. The client and, if applicable, the
1466 client's representative shall be informed of the facility's
1467 chemical restraint policies and procedures when the client is
1468 admitted.

1469 (4) Based on the assessment by a physician, physician
1470 assistant, or advanced practice registered nurse ~~advanced~~
1471 ~~registered nurse practitioner~~, if a client exhibits symptoms
1472 that present an immediate risk of injury or death to himself or
1473 herself or others, a physician, physician assistant, or advanced
1474 practice registered nurse ~~advanced registered nurse practitioner~~
1475 may issue an emergency treatment order to immediately administer
1476 rapid-response psychotropic medications or other chemical
1477 restraints. Each emergency treatment order must be documented
1478 and maintained in the client's record.

1479 (a) An emergency treatment order is not effective for more

24-01080A-18

20181594__

1480 than 24 hours.

1481 (b) Whenever a client is medicated under this subsection,
1482 the client's representative or a responsible party and the
1483 client's physician, physician assistant, or advanced practice
1484 registered nurse ~~advanced registered nurse practitioner~~ shall be
1485 notified as soon as practicable.

1486 (5) A client who is prescribed and receives a medication
1487 that can serve as a chemical restraint for a purpose other than
1488 an emergency treatment order must be evaluated by his or her
1489 physician, physician assistant, or advanced practice registered
1490 nurse ~~advanced registered nurse practitioner~~ at least monthly to
1491 assess:

1492 (a) The continued need for the medication.

1493 (b) The level of the medication in the client's blood.

1494 (c) The need for adjustments to the prescription.

1495 Section 37. Subsections (1) and (2) of section 401.445,
1496 Florida Statutes, are amended to read:

1497 401.445 Emergency examination and treatment of
1498 incapacitated persons.—

1499 (1) No recovery shall be allowed in any court in this state
1500 against any emergency medical technician, paramedic, or
1501 physician as defined in this chapter, any advanced practice
1502 registered nurse ~~advanced registered nurse practitioner~~
1503 certified under s. 464.012, or any physician assistant licensed
1504 under s. 458.347 or s. 459.022, or any person acting under the
1505 direct medical supervision of a physician, in an action brought
1506 for examining or treating a patient without his or her informed
1507 consent if:

1508 (a) The patient at the time of examination or treatment is

24-01080A-18

20181594__

1509 intoxicated, under the influence of drugs, or otherwise
1510 incapable of providing informed consent as provided in s.
1511 766.103;

1512 (b) The patient at the time of examination or treatment is
1513 experiencing an emergency medical condition; and

1514 (c) The patient would reasonably, under all the surrounding
1515 circumstances, undergo such examination, treatment, or procedure
1516 if he or she were advised by the emergency medical technician,
1517 paramedic, physician, advanced practice registered nurse
1518 ~~advanced registered nurse practitioner~~, or physician assistant
1519 in accordance with s. 766.103(3).

1520
1521 Examination and treatment provided under this subsection shall
1522 be limited to reasonable examination of the patient to determine
1523 the medical condition of the patient and treatment reasonably
1524 necessary to alleviate the emergency medical condition or to
1525 stabilize the patient.

1526 (2) In examining and treating a person who is apparently
1527 intoxicated, under the influence of drugs, or otherwise
1528 incapable of providing informed consent, the emergency medical
1529 technician, paramedic, physician, advanced practice registered
1530 nurse ~~advanced registered nurse practitioner~~, or physician
1531 assistant, or any person acting under the direct medical
1532 supervision of a physician, shall proceed wherever possible with
1533 the consent of the person. If the person reasonably appears to
1534 be incapacitated and refuses his or her consent, the person may
1535 be examined, treated, or taken to a hospital or other
1536 appropriate treatment resource if he or she is in need of
1537 emergency attention, without his or her consent, but

24-01080A-18

20181594__

1538 unreasonable force shall not be used.

1539 Section 38. Subsection (1) of section 409.905, Florida
1540 Statutes, is amended to read:

1541 409.905 Mandatory Medicaid services.—The agency may make
1542 payments for the following services, which are required of the
1543 state by Title XIX of the Social Security Act, furnished by
1544 Medicaid providers to recipients who are determined to be
1545 eligible on the dates on which the services were provided. Any
1546 service under this section shall be provided only when medically
1547 necessary and in accordance with state and federal law.

1548 Mandatory services rendered by providers in mobile units to
1549 Medicaid recipients may be restricted by the agency. Nothing in
1550 this section shall be construed to prevent or limit the agency
1551 from adjusting fees, reimbursement rates, lengths of stay,
1552 number of visits, number of services, or any other adjustments
1553 necessary to comply with the availability of moneys and any
1554 limitations or directions provided for in the General
1555 Appropriations Act or chapter 216.

1556 (1) ADVANCED PRACTICE REGISTERED NURSE ~~ADVANCED REGISTERED~~
1557 ~~NURSE PRACTITIONER~~ SERVICES.—The agency shall pay for services
1558 provided to a recipient by a licensed advanced practice
1559 registered nurse ~~advanced registered nurse practitioner~~ who has
1560 a valid collaboration agreement with a licensed physician on
1561 file with the Department of Health or who provides anesthesia
1562 services in accordance with established protocol required by
1563 state law and approved by the medical staff of the facility in
1564 which the anesthetic service is performed. Reimbursement for
1565 such services must be provided in an amount that equals not less
1566 than 80 percent of the reimbursement to a physician who provides

24-01080A-18

20181594__

1567 the same services, unless otherwise provided for in the General
1568 Appropriations Act.

1569 Section 39. Paragraph (a) of subsection (3) and subsection
1570 (7) of section 409.908, Florida Statutes, are amended to read:

1571 409.908 Reimbursement of Medicaid providers.—Subject to
1572 specific appropriations, the agency shall reimburse Medicaid
1573 providers, in accordance with state and federal law, according
1574 to methodologies set forth in the rules of the agency and in
1575 policy manuals and handbooks incorporated by reference therein.
1576 These methodologies may include fee schedules, reimbursement
1577 methods based on cost reporting, negotiated fees, competitive
1578 bidding pursuant to s. 287.057, and other mechanisms the agency
1579 considers efficient and effective for purchasing services or
1580 goods on behalf of recipients. If a provider is reimbursed based
1581 on cost reporting and submits a cost report late and that cost
1582 report would have been used to set a lower reimbursement rate
1583 for a rate semester, then the provider's rate for that semester
1584 shall be retroactively calculated using the new cost report, and
1585 full payment at the recalculated rate shall be effected
1586 retroactively. Medicare-granted extensions for filing cost
1587 reports, if applicable, shall also apply to Medicaid cost
1588 reports. Payment for Medicaid compensable services made on
1589 behalf of Medicaid eligible persons is subject to the
1590 availability of moneys and any limitations or directions
1591 provided for in the General Appropriations Act or chapter 216.
1592 Further, nothing in this section shall be construed to prevent
1593 or limit the agency from adjusting fees, reimbursement rates,
1594 lengths of stay, number of visits, or number of services, or
1595 making any other adjustments necessary to comply with the

24-01080A-18

20181594__

1596 availability of moneys and any limitations or directions
1597 provided for in the General Appropriations Act, provided the
1598 adjustment is consistent with legislative intent.

1599 (3) Subject to any limitations or directions provided for
1600 in the General Appropriations Act, the following Medicaid
1601 services and goods may be reimbursed on a fee-for-service basis.
1602 For each allowable service or goods furnished in accordance with
1603 Medicaid rules, policy manuals, handbooks, and state and federal
1604 law, the payment shall be the amount billed by the provider, the
1605 provider's usual and customary charge, or the maximum allowable
1606 fee established by the agency, whichever amount is less, with
1607 the exception of those services or goods for which the agency
1608 makes payment using a methodology based on capitation rates,
1609 average costs, or negotiated fees.

1610 (a) Advanced practice registered nurse ~~Advanced registered~~
1611 ~~nurse practitioner~~ services.

1612 (7) A provider of family planning services shall be
1613 reimbursed the lesser of the amount billed by the provider or an
1614 all-inclusive amount per type of visit for physicians and
1615 advanced practice registered nurses ~~advanced registered nurse~~
1616 ~~practitioners~~, as established by the agency in a fee schedule.

1617 Section 40. Paragraph (a) of subsection (1) of section
1618 409.973, Florida Statutes, is amended to read:

1619 409.973 Benefits.—

1620 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
1621 minimum, the following services:

1622 (a) Advanced practice registered nurse ~~Advanced registered~~
1623 ~~nurse practitioner~~ services.

1624 Section 41. Section 1 of chapter 2016-109, Laws of

24-01080A-18

20181594__

1625 Florida, is amended to read:

1626 Section 1. Effective March 1, 2019, subsection (1) of
1627 section 409.973, Florida Statutes, is amended to read:

1628 409.973 Benefits.—

1629 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
1630 minimum, the following services:

1631 (a) Advanced practice registered nurse ~~Advanced registered~~
1632 ~~nurse practitioner~~ services.

1633 (b) Ambulatory surgical treatment center services.

1634 (c) Birthing center services.

1635 (d) Chiropractic services.

1636 (e) Early periodic screening diagnosis and treatment
1637 services for recipients under age 21.

1638 (f) Emergency services.

1639 (g) Family planning services and supplies. Pursuant to 42
1640 C.F.R. s. 438.102, plans may elect to not provide these services
1641 due to an objection on moral or religious grounds, and must
1642 notify the agency of that election when submitting a reply to an
1643 invitation to negotiate.

1644 (h) Healthy start services, except as provided in s.
1645 409.975(4).

1646 (i) Hearing services.

1647 (j) Home health agency services.

1648 (k) Hospice services.

1649 (l) Hospital inpatient services.

1650 (m) Hospital outpatient services.

1651 (n) Laboratory and imaging services.

1652 (o) Medical supplies, equipment, prostheses, and orthoses.

1653 (p) Mental health services.

24-01080A-18

20181594__

- 1654 (q) Nursing care.
- 1655 (r) Optical services and supplies.
- 1656 (s) Optometrist services.
- 1657 (t) Physical, occupational, respiratory, and speech therapy
- 1658 services.
- 1659 (u) Physician services, including physician assistant
- 1660 services.
- 1661 (v) Podiatric services.
- 1662 (w) Prescription drugs.
- 1663 (x) Renal dialysis services.
- 1664 (y) Respiratory equipment and supplies.
- 1665 (z) Rural health clinic services.
- 1666 (aa) Substance abuse treatment services.
- 1667 (bb) Transportation to access covered services.

1668 Section 42. Paragraph (a) of subsection (2) and paragraph
 1669 (a) of subsection (7) of section 429.918, Florida Statutes, are
 1670 amended to read:

1671 429.918 Licensure designation as a specialized Alzheimer's
 1672 services adult day care center.—

1673 (2) As used in this section, the term:

1674 (a) "ADRD participant" means a participant who has a
 1675 documented diagnosis of Alzheimer's disease or a dementia-
 1676 related disorder (ADRD) from a licensed physician, licensed
 1677 physician assistant, or a licensed advanced practice registered
 1678 nurse ~~advanced registered nurse practitioner~~.

1679 (7) (a) An ADRD participant admitted to an adult day care
 1680 center having a license designated under this section, or the
 1681 caregiver when applicable, must:

- 1682 1. Require ongoing supervision to maintain the highest

24-01080A-18

20181594__

1683 level of medical or custodial functioning and have a
 1684 demonstrated need for a responsible party to oversee his or her
 1685 care.

1686 2. Not actively demonstrate aggressive behavior that places
 1687 himself, herself, or others at risk of harm.

1688 3. Provide the following medical documentation signed by a
 1689 licensed physician, licensed physician assistant, or a licensed
 1690 advanced practice registered nurse ~~advanced registered nurse~~
 1691 ~~practitioner~~:

1692 a. Any physical, health, or emotional conditions that
 1693 require medical care.

1694 b. A listing of the ADRD participant's current prescribed
 1695 and over-the-counter medications and dosages, diet restrictions,
 1696 mobility restrictions, and other physical limitations.

1697 4. Provide documentation signed by a health care provider
 1698 licensed in this state which indicates that the ADRD participant
 1699 is free of the communicable form of tuberculosis and free of
 1700 signs and symptoms of other communicable diseases.

1701 Section 43. Section 456.0391, Florida Statutes, is amended
 1702 to read:

1703 456.0391 Advanced practice registered nurses ~~Advanced~~
 1704 ~~registered nurse practitioners~~; information required for
 1705 certification.—

1706 (1) (a) Each person who applies for initial certification
 1707 under s. 464.012 must, at the time of application, and each
 1708 person certified under s. 464.012 who applies for certification
 1709 renewal must, in conjunction with the renewal of such
 1710 certification and under procedures adopted by the Department of
 1711 Health, and in addition to any other information that may be

24-01080A-18

20181594__

1712 required from the applicant, furnish the following information
1713 to the Department of Health:

1714 1. The name of each school or training program that the
1715 applicant has attended, with the months and years of attendance
1716 and the month and year of graduation, and a description of all
1717 graduate professional education completed by the applicant,
1718 excluding any coursework taken to satisfy continuing education
1719 requirements.

1720 2. The name of each location at which the applicant
1721 practices.

1722 3. The address at which the applicant will primarily
1723 conduct his or her practice.

1724 4. Any certification or designation that the applicant has
1725 received from a specialty or certification board that is
1726 recognized or approved by the regulatory board or department to
1727 which the applicant is applying.

1728 5. The year that the applicant received initial
1729 certification and began practicing the profession in any
1730 jurisdiction and the year that the applicant received initial
1731 certification in this state.

1732 6. Any appointment which the applicant currently holds to
1733 the faculty of a school related to the profession and an
1734 indication as to whether the applicant has had the
1735 responsibility for graduate education within the most recent 10
1736 years.

1737 7. A description of any criminal offense of which the
1738 applicant has been found guilty, regardless of whether
1739 adjudication of guilt was withheld, or to which the applicant
1740 has pled guilty or nolo contendere. A criminal offense committed

24-01080A-18

20181594__

1741 in another jurisdiction which would have been a felony or
1742 misdemeanor if committed in this state must be reported. If the
1743 applicant indicates that a criminal offense is under appeal and
1744 submits a copy of the notice for appeal of that criminal
1745 offense, the department must state that the criminal offense is
1746 under appeal if the criminal offense is reported in the
1747 applicant's profile. If the applicant indicates to the
1748 department that a criminal offense is under appeal, the
1749 applicant must, within 15 days after the disposition of the
1750 appeal, submit to the department a copy of the final written
1751 order of disposition.

1752 8. A description of any final disciplinary action taken
1753 within the previous 10 years against the applicant by a
1754 licensing or regulatory body in any jurisdiction, by a specialty
1755 board that is recognized by the board or department, or by a
1756 licensed hospital, health maintenance organization, prepaid
1757 health clinic, ambulatory surgical center, or nursing home.
1758 Disciplinary action includes resignation from or nonrenewal of
1759 staff membership or the restriction of privileges at a licensed
1760 hospital, health maintenance organization, prepaid health
1761 clinic, ambulatory surgical center, or nursing home taken in
1762 lieu of or in settlement of a pending disciplinary case related
1763 to competence or character. If the applicant indicates that the
1764 disciplinary action is under appeal and submits a copy of the
1765 document initiating an appeal of the disciplinary action, the
1766 department must state that the disciplinary action is under
1767 appeal if the disciplinary action is reported in the applicant's
1768 profile.

1769 (b) In addition to the information required under paragraph

24-01080A-18

20181594__

1770 (a), each applicant for initial certification or certification
1771 renewal must provide the information required of licensees
1772 pursuant to s. 456.049.

1773 (2) The Department of Health shall send a notice to each
1774 person certified under s. 464.012 at the certificateholder's
1775 last known address of record regarding the requirements for
1776 information to be submitted by advanced practice registered
1777 nurses ~~advanced registered nurse practitioners~~ pursuant to this
1778 section in conjunction with the renewal of such certificate.

1779 (3) Each person certified under s. 464.012 who has
1780 submitted information pursuant to subsection (1) must update
1781 that information in writing by notifying the Department of
1782 Health within 45 days after the occurrence of an event or the
1783 attainment of a status that is required to be reported by
1784 subsection (1). Failure to comply with the requirements of this
1785 subsection to update and submit information constitutes a ground
1786 for disciplinary action under chapter 464 and s. 456.072(1)(k).
1787 For failure to comply with the requirements of this subsection
1788 to update and submit information, the department or board, as
1789 appropriate, may:

1790 (a) Refuse to issue a certificate to any person applying
1791 for initial certification who fails to submit and update the
1792 required information.

1793 (b) Issue a citation to any certificateholder who fails to
1794 submit and update the required information and may fine the
1795 certificateholder up to \$50 for each day that the
1796 certificateholder is not in compliance with this subsection. The
1797 citation must clearly state that the certificateholder may
1798 choose, in lieu of accepting the citation, to follow the

24-01080A-18

20181594__

1799 procedure under s. 456.073. If the certificateholder disputes
1800 the matter in the citation, the procedures set forth in s.
1801 456.073 must be followed. However, if the certificateholder does
1802 not dispute the matter in the citation with the department
1803 within 30 days after the citation is served, the citation
1804 becomes a final order and constitutes discipline. Service of a
1805 citation may be made by personal service or certified mail,
1806 restricted delivery, to the subject at the certificateholder's
1807 last known address.

1808 (4) (a) An applicant for initial certification under s.
1809 464.012 must submit a set of fingerprints to the Department of
1810 Health on a form and under procedures specified by the
1811 department, along with payment in an amount equal to the costs
1812 incurred by the Department of Health for a national criminal
1813 history check of the applicant.

1814 (b) An applicant for renewed certification who has not
1815 previously submitted a set of fingerprints to the Department of
1816 Health for purposes of certification must submit a set of
1817 fingerprints to the department as a condition of the initial
1818 renewal of his or her certificate after the effective date of
1819 this section. The applicant must submit the fingerprints on a
1820 form and under procedures specified by the department, along
1821 with payment in an amount equal to the costs incurred by the
1822 Department of Health for a national criminal history check. For
1823 subsequent renewals, the applicant for renewed certification
1824 must only submit information necessary to conduct a statewide
1825 criminal history check, along with payment in an amount equal to
1826 the costs incurred by the Department of Health for a statewide
1827 criminal history check.

24-01080A-18

20181594__

1828 (c)1. The Department of Health shall submit the
1829 fingerprints provided by an applicant for initial certification
1830 to the Florida Department of Law Enforcement for a statewide
1831 criminal history check, and the Florida Department of Law
1832 Enforcement shall forward the fingerprints to the Federal Bureau
1833 of Investigation for a national criminal history check of the
1834 applicant.

1835 2. The department shall submit the fingerprints provided by
1836 an applicant for the initial renewal of certification to the
1837 Florida Department of Law Enforcement for a statewide criminal
1838 history check, and the Florida Department of Law Enforcement
1839 shall forward the fingerprints to the Federal Bureau of
1840 Investigation for a national criminal history check for the
1841 initial renewal of the applicant's certificate after the
1842 effective date of this section.

1843 3. For any subsequent renewal of the applicant's
1844 certificate, the department shall submit the required
1845 information for a statewide criminal history check of the
1846 applicant to the Florida Department of Law Enforcement.

1847 (d) Any applicant for initial certification or renewal of
1848 certification as an advanced practice registered nurse ~~advanced~~
1849 ~~registered nurse practitioner~~ who submits to the Department of
1850 Health a set of fingerprints and information required for the
1851 criminal history check required under this section shall not be
1852 required to provide a subsequent set of fingerprints or other
1853 duplicate information required for a criminal history check to
1854 the Agency for Health Care Administration, the Department of
1855 Juvenile Justice, or the Department of Children and Families for
1856 employment or licensure with such agency or department, if the

24-01080A-18

20181594__

1857 applicant has undergone a criminal history check as a condition
1858 of initial certification or renewal of certification as an
1859 advanced practice registered nurse ~~advanced registered nurse~~
1860 ~~practitioner~~ with the Department of Health, notwithstanding any
1861 other provision of law to the contrary. In lieu of such
1862 duplicate submission, the Agency for Health Care Administration,
1863 the Department of Juvenile Justice, and the Department of
1864 Children and Families shall obtain criminal history information
1865 for employment or licensure of persons certified under s.
1866 464.012 by such agency or department from the Department of
1867 Health's health care practitioner credentialing system.

1868 (5) Each person who is required to submit information
1869 pursuant to this section may submit additional information to
1870 the Department of Health. Such information may include, but is
1871 not limited to:

1872 (a) Information regarding publications in peer-reviewed
1873 professional literature within the previous 10 years.

1874 (b) Information regarding professional or community service
1875 activities or awards.

1876 (c) Languages, other than English, used by the applicant to
1877 communicate with patients or clients and identification of any
1878 translating service that may be available at the place where the
1879 applicant primarily conducts his or her practice.

1880 (d) An indication of whether the person participates in the
1881 Medicaid program.

1882 Section 44. Subsection (2) of section 456.0392, Florida
1883 Statutes, is amended to read:

1884 456.0392 Prescription labeling.—

1885 (2) A prescription for a drug that is not listed as a

24-01080A-18

20181594__

1886 controlled substance in chapter 893 which is written by an
1887 advanced practice registered nurse ~~advanced registered nurse~~
1888 ~~practitioner~~ certified under s. 464.012 is presumed, subject to
1889 rebuttal, to be valid and within the parameters of the
1890 prescriptive authority delegated by a practitioner licensed
1891 under chapter 458, chapter 459, or chapter 466.

1892 Section 45. Paragraph (a) of subsection (1) and subsection
1893 (6) of section 456.041, Florida Statutes, are amended to read:

1894 456.041 Practitioner profile; creation.—

1895 (1) (a) The Department of Health shall compile the
1896 information submitted pursuant to s. 456.039 into a practitioner
1897 profile of the applicant submitting the information, except that
1898 the Department of Health shall develop a format to compile
1899 uniformly any information submitted under s. 456.039(4) (b).
1900 Beginning July 1, 2001, the Department of Health may compile the
1901 information submitted pursuant to s. 456.0391 into a
1902 practitioner profile of the applicant submitting the
1903 information. The protocol submitted pursuant to s. 464.012(3)
1904 must be included in the practitioner profile of the advanced
1905 practice registered nurse ~~advanced registered nurse~~
1906 ~~practitioner~~.

1907 (6) The Department of Health shall provide in each
1908 practitioner profile for every physician or advanced practice
1909 registered nurse ~~advanced registered nurse practitioner~~
1910 terminated for cause from participating in the Medicaid program,
1911 pursuant to s. 409.913, or sanctioned by the Medicaid program a
1912 statement that the practitioner has been terminated from
1913 participating in the Florida Medicaid program or sanctioned by
1914 the Medicaid program.

24-01080A-18

20181594__

1915 Section 46. Subsection (1) of section 456.048, Florida
1916 Statutes, is amended to read:

1917 456.048 Financial responsibility requirements for certain
1918 health care practitioners.—

1919 (1) As a prerequisite for licensure or license renewal, the
1920 Board of Acupuncture, the Board of Chiropractic Medicine, the
1921 Board of Podiatric Medicine, and the Board of Dentistry shall,
1922 by rule, require that all health care practitioners licensed
1923 under the respective board, and the Board of Medicine and the
1924 Board of Osteopathic Medicine shall, by rule, require that all
1925 anesthesiologist assistants licensed pursuant to s. 458.3475 or
1926 s. 459.023, and the Board of Nursing shall, by rule, require
1927 that advanced practice registered nurses ~~advanced registered~~
1928 ~~nurse practitioners~~ certified under s. 464.012, and the
1929 department shall, by rule, require that midwives maintain
1930 medical malpractice insurance or provide proof of financial
1931 responsibility in an amount and in a manner determined by the
1932 board or department to be sufficient to cover claims arising out
1933 of the rendering of or failure to render professional care and
1934 services in this state.

1935 Section 47. Subsection (7) of section 456.072, Florida
1936 Statutes, is amended to read:

1937 456.072 Grounds for discipline; penalties; enforcement.—

1938 (7) Notwithstanding subsection (2), upon a finding that a
1939 physician has prescribed or dispensed a controlled substance, or
1940 caused a controlled substance to be prescribed or dispensed, in
1941 a manner that violates the standard of practice set forth in s.
1942 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)
1943 or (s), or s. 466.028(1)(p) or (x), or that an advanced practice

24-01080A-18

20181594__

1944 registered nurse ~~advanced registered nurse practitioner~~ has
1945 prescribed or dispensed a controlled substance, or caused a
1946 controlled substance to be prescribed or dispensed, in a manner
1947 that violates the standard of practice set forth in s.
1948 464.018(1)(n) or (p)6., the physician or advanced practice
1949 registered nurse ~~advanced registered nurse practitioner~~ shall be
1950 suspended for a period of not less than 6 months and pay a fine
1951 of not less than \$10,000 per count. Repeated violations shall
1952 result in increased penalties.

1953 Section 48. Paragraph (g) of subsection (1) and subsection
1954 (2) of section 456.44, Florida Statutes, are amended to read:

1955 456.44 Controlled substance prescribing.—

1956 (1) DEFINITIONS.—As used in this section, the term:

1957 (g) "Registrant" means a physician, a physician assistant,
1958 or an advanced practice registered nurse ~~advanced registered~~
1959 ~~nurse practitioner~~ who meets the requirements of subsection (2).

1960 (2) REGISTRATION.—A physician licensed under chapter 458,
1961 chapter 459, chapter 461, or chapter 466, a physician assistant
1962 licensed under chapter 458 or chapter 459, or an advanced
1963 practice registered nurse ~~advanced registered nurse practitioner~~
1964 certified under part I of chapter 464 who prescribes any
1965 controlled substance, listed in Schedule II, Schedule III, or
1966 Schedule IV as defined in s. 893.03, for the treatment of
1967 chronic nonmalignant pain, must:

1968 (a) Designate himself or herself as a controlled substance
1969 prescribing practitioner on his or her practitioner profile.

1970 (b) Comply with the requirements of this section and
1971 applicable board rules.

1972 Section 49. Paragraph (c) of subsection (2) of section

24-01080A-18

20181594__

1973 458.3265, Florida Statutes, is amended to read:

1974 458.3265 Pain-management clinics.—

1975 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
1976 apply to any physician who provides professional services in a
1977 pain-management clinic that is required to be registered in
1978 subsection (1).

1979 (c) A physician, a physician assistant, or an advanced
1980 practice registered nurse ~~advanced registered nurse practitioner~~
1981 must perform a physical examination of a patient on the same day
1982 that the physician prescribes a controlled substance to a
1983 patient at a pain-management clinic. If the physician prescribes
1984 more than a 72-hour dose of controlled substances for the
1985 treatment of chronic nonmalignant pain, the physician must
1986 document in the patient's record the reason for prescribing that
1987 quantity.

1988 Section 50. Paragraph (dd) of subsection (1) of section
1989 458.331, Florida Statutes, is amended to read:

1990 458.331 Grounds for disciplinary action; action by the
1991 board and department.—

1992 (1) The following acts constitute grounds for denial of a
1993 license or disciplinary action, as specified in s. 456.072(2):

1994 (dd) Failing to supervise adequately the activities of
1995 those physician assistants, paramedics, emergency medical
1996 technicians, advanced practice registered nurses ~~advanced~~
1997 ~~registered nurse practitioners~~, or anesthesiologist assistants
1998 acting under the supervision of the physician.

1999 Section 51. Paragraph (a) of subsection (1) and subsection
2000 (3) of section 458.348, Florida Statutes, are amended to read:

2001 458.348 Formal supervisory relationships, standing orders,

24-01080A-18

20181594__

2002 and established protocols; notice; standards.—

2003 (1) NOTICE.—

2004 (a) When a physician enters into a formal supervisory
2005 relationship or standing orders with an emergency medical
2006 technician or paramedic licensed pursuant to s. 401.27, which
2007 relationship or orders contemplate the performance of medical
2008 acts, or when a physician enters into an established protocol
2009 with an advanced practice registered nurse ~~advanced registered~~
2010 ~~nurse practitioner~~, which protocol contemplates the performance
2011 of medical acts set forth in s. 464.012(3) and (4), the
2012 physician shall submit notice to the board. The notice shall
2013 contain a statement in substantially the following form:

2014
2015 I, ...(name and professional license number of
2016 physician)..., of ...(address of physician)... have hereby
2017 entered into a formal supervisory relationship, standing orders,
2018 or an established protocol with ...(number of persons)...
2019 emergency medical technician(s), ...(number of persons)...
2020 paramedic(s), or ...(number of persons)... advanced practice
2021 registered nurse(s) ~~advanced registered nurse practitioner(s)~~.

2022
2023 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—A
2024 physician who supervises an advanced practice registered nurse
2025 ~~advanced registered nurse practitioner~~ or physician assistant at
2026 a medical office other than the physician's primary practice
2027 location, where the advanced practice registered nurse ~~advanced~~
2028 ~~registered nurse practitioner~~ or physician assistant is not
2029 under the onsite supervision of a supervising physician, must
2030 comply with the standards set forth in this subsection. For the

24-01080A-18

20181594__

2031 purpose of this subsection, a physician's "primary practice
2032 location" means the address reflected on the physician's profile
2033 published pursuant to s. 456.041.

2034 (a) A physician who is engaged in providing primary health
2035 care services may not supervise more than four offices in
2036 addition to the physician's primary practice location. For the
2037 purpose of this subsection, "primary health care" means health
2038 care services that are commonly provided to patients without
2039 referral from another practitioner, including obstetrical and
2040 gynecological services, and excludes practices providing
2041 primarily dermatologic and skin care services, which include
2042 aesthetic skin care services.

2043 (b) A physician who is engaged in providing specialty
2044 health care services may not supervise more than two offices in
2045 addition to the physician's primary practice location. For the
2046 purpose of this subsection, "specialty health care" means health
2047 care services that are commonly provided to patients with a
2048 referral from another practitioner and excludes practices
2049 providing primarily dermatologic and skin care services, which
2050 include aesthetic skin care services.

2051 (c) A physician who supervises an advanced practice
2052 registered nurse ~~advanced registered nurse practitioner~~ or
2053 physician assistant at a medical office other than the
2054 physician's primary practice location, where the advanced
2055 practice registered nurse ~~advanced registered nurse practitioner~~
2056 or physician assistant is not under the onsite supervision of a
2057 supervising physician and the services offered at the office are
2058 primarily dermatologic or skin care services, which include
2059 aesthetic skin care services other than plastic surgery, must

24-01080A-18

20181594__

2060 comply with the standards listed in subparagraphs 1.-4.

2061 Notwithstanding s. 458.347(4)(e)6., a physician supervising a
2062 physician assistant pursuant to this paragraph may not be
2063 required to review and cosign charts or medical records prepared
2064 by such physician assistant.

2065 1. The physician shall submit to the board the addresses of
2066 all offices where he or she is supervising an advanced practice
2067 registered nurse ~~advanced registered nurse practitioner~~ or a
2068 physician's assistant which are not the physician's primary
2069 practice location.

2070 2. The physician must be board certified or board eligible
2071 in dermatology or plastic surgery as recognized by the board
2072 pursuant to s. 458.3312.

2073 3. All such offices that are not the physician's primary
2074 place of practice must be within 25 miles of the physician's
2075 primary place of practice or in a county that is contiguous to
2076 the county of the physician's primary place of practice.
2077 However, the distance between any of the offices may not exceed
2078 75 miles.

2079 4. The physician may supervise only one office other than
2080 the physician's primary place of practice except that until July
2081 1, 2011, the physician may supervise up to two medical offices
2082 other than the physician's primary place of practice if the
2083 addresses of the offices are submitted to the board before July
2084 1, 2006. Effective July 1, 2011, the physician may supervise
2085 only one office other than the physician's primary place of
2086 practice, regardless of when the addresses of the offices were
2087 submitted to the board.

2088 (d) A physician who supervises an office in addition to the

24-01080A-18

20181594__

2089 physician's primary practice location must conspicuously post in
2090 each of the physician's offices a current schedule of the
2091 regular hours when the physician is present in that office and
2092 the hours when the office is open while the physician is not
2093 present.

2094 (e) This subsection does not apply to health care services
2095 provided in facilities licensed under chapter 395 or in
2096 conjunction with a college of medicine, a college of nursing, an
2097 accredited graduate medical program, or a nursing education
2098 program; not-for-profit, family-planning clinics that are not
2099 licensed pursuant to chapter 390; rural and federally qualified
2100 health centers; health care services provided in a nursing home
2101 licensed under part II of chapter 400, an assisted living
2102 facility licensed under part I of chapter 429, a continuing care
2103 facility licensed under chapter 651, or a retirement community
2104 consisting of independent living units and a licensed nursing
2105 home or assisted living facility; anesthesia services provided
2106 in accordance with law; health care services provided in a
2107 designated rural health clinic; health care services provided to
2108 persons enrolled in a program designed to maintain elderly
2109 persons and persons with disabilities in a home or community-
2110 based setting; university primary care student health centers;
2111 school health clinics; or health care services provided in
2112 federal, state, or local government facilities. Subsection (2)
2113 and this subsection do not apply to offices at which the
2114 exclusive service being performed is laser hair removal by an
2115 advanced practice registered nurse ~~advanced registered nurse~~
2116 ~~practitioner~~ or physician assistant.

2117 Section 52. Paragraph (c) of subsection (2) of section

24-01080A-18

20181594__

2118 459.0137, Florida Statutes, is amended to read:

2119 459.0137 Pain-management clinics.—

2120 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
2121 apply to any osteopathic physician who provides professional
2122 services in a pain-management clinic that is required to be
2123 registered in subsection (1).

2124 (c) An osteopathic physician, a physician assistant, or an
2125 advanced practice registered nurse ~~advanced registered nurse~~
2126 ~~practitioner~~ must perform a physical examination of a patient on
2127 the same day that the physician prescribes a controlled
2128 substance to a patient at a pain-management clinic. If the
2129 osteopathic physician prescribes more than a 72-hour dose of
2130 controlled substances for the treatment of chronic nonmalignant
2131 pain, the osteopathic physician must document in the patient's
2132 record the reason for prescribing that quantity.

2133 Section 53. Paragraph (hh) of subsection (1) of section
2134 459.015, Florida Statutes, is amended to read:

2135 459.015 Grounds for disciplinary action; action by the
2136 board and department.—

2137 (1) The following acts constitute grounds for denial of a
2138 license or disciplinary action, as specified in s. 456.072(2):

2139 (hh) Failing to supervise adequately the activities of
2140 those physician assistants, paramedics, emergency medical
2141 technicians, advanced practice registered nurses ~~advanced~~
2142 ~~registered nurse practitioners~~, anesthesiologist assistants, or
2143 other persons acting under the supervision of the osteopathic
2144 physician.

2145 Section 54. Paragraph (a) of subsection (1) and subsection
2146 (3) of section 459.025, Florida Statutes, are amended to read:

24-01080A-18

20181594__

2147 459.025 Formal supervisory relationships, standing orders,
2148 and established protocols; notice; standards.—

2149 (1) NOTICE.—

2150 (a) When an osteopathic physician enters into a formal
2151 supervisory relationship or standing orders with an emergency
2152 medical technician or paramedic licensed pursuant to s. 401.27,
2153 which relationship or orders contemplate the performance of
2154 medical acts, or when an osteopathic physician enters into an
2155 established protocol with an advanced practice registered nurse
2156 ~~advanced registered nurse practitioner~~, which protocol
2157 contemplates the performance of medical acts or acts set forth
2158 in s. 464.012(3) and (4), the osteopathic physician shall submit
2159 notice to the board. The notice must contain a statement in
2160 substantially the following form:

2161
2162 I, ...(name and professional license number of osteopathic
2163 physician)..., of ...(address of osteopathic physician)... have
2164 hereby entered into a formal supervisory relationship, standing
2165 orders, or an established protocol with ...(number of
2166 persons)... emergency medical technician(s), ...(number of
2167 persons)... paramedic(s), or ...(number of persons)... advanced
2168 practice registered nurse(s) ~~advanced registered nurse~~
2169 ~~practitioner(s)~~.

2170 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—
2171 An osteopathic physician who supervises an advanced practice
2172 registered nurse ~~advanced registered nurse practitioner~~ or
2173 physician assistant at a medical office other than the
2174 osteopathic physician's primary practice location, where the
2175 advanced practice registered nurse ~~advanced registered nurse~~

24-01080A-18

20181594__

2176 ~~practitioner~~ or physician assistant is not under the onsite
2177 supervision of a supervising osteopathic physician, must comply
2178 with the standards set forth in this subsection. For the purpose
2179 of this subsection, an osteopathic physician's "primary practice
2180 location" means the address reflected on the physician's profile
2181 published pursuant to s. 456.041.

2182 (a) An osteopathic physician who is engaged in providing
2183 primary health care services may not supervise more than four
2184 offices in addition to the osteopathic physician's primary
2185 practice location. For the purpose of this subsection, "primary
2186 health care" means health care services that are commonly
2187 provided to patients without referral from another practitioner,
2188 including obstetrical and gynecological services, and excludes
2189 practices providing primarily dermatologic and skin care
2190 services, which include aesthetic skin care services.

2191 (b) An osteopathic physician who is engaged in providing
2192 specialty health care services may not supervise more than two
2193 offices in addition to the osteopathic physician's primary
2194 practice location. For the purpose of this subsection,
2195 "specialty health care" means health care services that are
2196 commonly provided to patients with a referral from another
2197 practitioner and excludes practices providing primarily
2198 dermatologic and skin care services, which include aesthetic
2199 skin care services.

2200 (c) An osteopathic physician who supervises an advanced
2201 practice registered nurse ~~advanced registered nurse practitioner~~
2202 or physician assistant at a medical office other than the
2203 osteopathic physician's primary practice location, where the
2204 advanced practice registered nurse ~~advanced registered nurse~~

24-01080A-18

20181594__

2205 ~~practitioner~~ or physician assistant is not under the onsite
2206 supervision of a supervising osteopathic physician and the
2207 services offered at the office are primarily dermatologic or
2208 skin care services, which include aesthetic skin care services
2209 other than plastic surgery, must comply with the standards
2210 listed in subparagraphs 1.-4. Notwithstanding s.
2211 459.022(4)(e)6., an osteopathic physician supervising a
2212 physician assistant pursuant to this paragraph may not be
2213 required to review and cosign charts or medical records prepared
2214 by such physician assistant.

2215 1. The osteopathic physician shall submit to the Board of
2216 Osteopathic Medicine the addresses of all offices where he or
2217 she is supervising or has a protocol with an advanced practice
2218 registered nurse ~~advanced registered nurse practitioner~~ or a
2219 physician's assistant which are not the osteopathic physician's
2220 primary practice location.

2221 2. The osteopathic physician must be board certified or
2222 board eligible in dermatology or plastic surgery as recognized
2223 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

2224 3. All such offices that are not the osteopathic
2225 physician's primary place of practice must be within 25 miles of
2226 the osteopathic physician's primary place of practice or in a
2227 county that is contiguous to the county of the osteopathic
2228 physician's primary place of practice. However, the distance
2229 between any of the offices may not exceed 75 miles.

2230 4. The osteopathic physician may supervise only one office
2231 other than the osteopathic physician's primary place of practice
2232 except that until July 1, 2011, the osteopathic physician may
2233 supervise up to two medical offices other than the osteopathic

24-01080A-18

20181594__

2234 physician's primary place of practice if the addresses of the
2235 offices are submitted to the Board of Osteopathic Medicine
2236 before July 1, 2006. Effective July 1, 2011, the osteopathic
2237 physician may supervise only one office other than the
2238 osteopathic physician's primary place of practice, regardless of
2239 when the addresses of the offices were submitted to the Board of
2240 Osteopathic Medicine.

2241 (d) An osteopathic physician who supervises an office in
2242 addition to the osteopathic physician's primary practice
2243 location must conspicuously post in each of the osteopathic
2244 physician's offices a current schedule of the regular hours when
2245 the osteopathic physician is present in that office and the
2246 hours when the office is open while the osteopathic physician is
2247 not present.

2248 (e) This subsection does not apply to health care services
2249 provided in facilities licensed under chapter 395 or in
2250 conjunction with a college of medicine or college of nursing or
2251 an accredited graduate medical or nursing education program;
2252 offices where the only service being performed is hair removal
2253 by an advanced practice registered nurse ~~advanced registered~~
2254 ~~nurse practitioner~~ or physician assistant; not-for-profit,
2255 family-planning clinics that are not licensed pursuant to
2256 chapter 390; rural and federally qualified health centers;
2257 health care services provided in a nursing home licensed under
2258 part II of chapter 400, an assisted living facility licensed
2259 under part I of chapter 429, a continuing care facility licensed
2260 under chapter 651, or a retirement community consisting of
2261 independent living units and either a licensed nursing home or
2262 assisted living facility; anesthesia services provided in

24-01080A-18

20181594__

2263 accordance with law; health care services provided in a
2264 designated rural health clinic; health care services provided to
2265 persons enrolled in a program designed to maintain elderly
2266 persons and persons with disabilities in a home or community-
2267 based setting; university primary care student health centers;
2268 school health clinics; or health care services provided in
2269 federal, state, or local government facilities.

2270 Section 55. Subsection (2) of section 464.003, Florida
2271 Statutes, is amended to read:

2272 464.003 Definitions.—As used in this part, the term:

2273 (2) "Advanced or specialized nursing practice" means, in
2274 addition to the practice of professional nursing, the
2275 performance of advanced-level nursing acts approved by the board
2276 which, by virtue of postbasic specialized education, training,
2277 and experience, are appropriately performed by an advanced
2278 practice registered nurse ~~advanced registered nurse~~
2279 ~~practitioner~~. Within the context of advanced or specialized
2280 nursing practice, the advanced practice registered nurse
2281 ~~advanced registered nurse practitioner~~ may perform acts of
2282 nursing diagnosis and nursing treatment of alterations of the
2283 health status. The advanced practice registered nurse ~~advanced~~
2284 ~~registered nurse practitioner~~ may also perform acts of medical
2285 diagnosis and treatment, prescription, and operation as
2286 authorized within the framework of an established supervisory
2287 protocol. The department may, by rule, require that a copy of
2288 the protocol be filed with the department along with the notice
2289 required by s. 458.348.

2290 Section 56. Subsection (2) of section 464.004, Florida
2291 Statutes, is amended to read:

24-01080A-18

20181594__

2292 464.004 Board of Nursing; membership; appointment; terms.-
2293 (2) Seven members of the board must be registered nurses
2294 who are residents of this state and who have been engaged in the
2295 practice of professional nursing for at least 4 years, including
2296 at least one advanced practice registered nurse ~~advanced~~
2297 ~~registered nurse practitioner~~, one nurse educator member of an
2298 approved program, and one nurse executive. These seven board
2299 members should be representative of the diverse areas of
2300 practice within the nursing profession. In addition, three
2301 members of the board must be licensed practical nurses who are
2302 residents of this state and who have been actively engaged in
2303 the practice of practical nursing for at least 4 years prior to
2304 their appointment. The remaining three members must be residents
2305 of the state who have never been licensed as nurses and who are
2306 in no way connected with the practice of nursing. No person may
2307 be appointed as a lay member who is in any way connected with,
2308 or has any financial interest in, any health care facility,
2309 agency, or insurer. At least one member of the board must be 60
2310 years of age or older.

2311 Section 57. Paragraph (b) of subsection (3) of section
2312 464.013, Florida Statutes, is amended to read:

2313 464.013 Renewal of license or certificate.-

2314 (3) The board shall by rule prescribe up to 30 hours of
2315 continuing education biennially as a condition for renewal of a
2316 license or certificate.

2317 (b) Notwithstanding the exemption in paragraph (a), as part
2318 of the maximum 30 hours of continuing education hours required
2319 under this subsection, advanced practice registered nurses
2320 ~~advanced registered nurse practitioners~~ certified under s.

24-01080A-18

20181594__

2321 464.012 must complete at least 3 hours of continuing education
 2322 on the safe and effective prescription of controlled substances.
 2323 Such continuing education courses must be offered by a statewide
 2324 professional association of physicians in this state accredited
 2325 to provide educational activities designated for the American
 2326 Medical Association Physician's Recognition Award Category 1
 2327 credit, the American Nurses Credentialing Center, the American
 2328 Association of Nurse Anesthetists, or the American Association
 2329 of Nurse Practitioners and may be offered in a distance learning
 2330 format.

2331 Section 58. Subsections (8) and (9) of section 464.015,
 2332 Florida Statutes, are amended to read:

2333 464.015 Titles and abbreviations; restrictions; penalty.—

2334 (8) Only persons who hold valid certificates to practice as
 2335 advanced practice registered nurses ~~advanced registered nurse~~
 2336 ~~practitioners~~ in this state may use the title "Advanced Practice
 2337 Registered Nurse" ~~"Advanced Registered Nurse Practitioner"~~ and
 2338 the abbreviation "A.P.R.N." ~~"A.R.N.P."~~

2339 (9) A person may not practice or advertise as, or assume
 2340 the title of, registered nurse, licensed practical nurse,
 2341 clinical nurse specialist, certified registered nurse
 2342 anesthetist, certified nurse midwife, or advanced practice
 2343 registered nurse ~~advanced registered nurse practitioner~~ or use
 2344 the abbreviation "R.N.," "L.P.N.," "C.N.S.," "C.R.N.A.,"
 2345 "C.N.M.," or "A.P.R.N." ~~"A.R.N.P."~~ or take any other action that
 2346 would lead the public to believe that person was certified as
 2347 such or is performing nursing services pursuant to the exception
 2348 set forth in s. 464.022(8), unless that person is licensed or
 2349 certified to practice as such.

24-01080A-18

20181594__

2350 Section 59. Section 9 of chapter 2016-139, Laws of Florida,
2351 is amended to read:

2352 Section 9. Subsections (1), (2), and (9) of section
2353 464.015, Florida Statutes, are amended to read:

2354 464.015 Titles and abbreviations; restrictions; penalty.—

2355 (1) Only a person who holds a license in this state or a
2356 multistate license pursuant to s. 464.0095 to practice
2357 professional nursing or who performs nursing services pursuant
2358 to the exception set forth in s. 464.022(8) may use the title
2359 "Registered Nurse" and the abbreviation "R.N."

2360 (2) Only a person who holds a license in this state or a
2361 multistate license pursuant to s. 464.0095 to practice as a
2362 licensed practical nurse or who performs practical nursing
2363 services pursuant to the exception set forth in s. 464.022(8)
2364 may use the title "Licensed Practical Nurse" and the
2365 abbreviation "L.P.N."

2366 (9) A person may not practice or advertise as, or assume
2367 the title of, registered nurse, licensed practical nurse,
2368 clinical nurse specialist, certified registered nurse
2369 anesthetist, certified nurse midwife, or advanced practice
2370 registered nurse ~~advanced registered nurse practitioner~~ or use
2371 the abbreviation "R.N.," "L.P.N.," "C.N.S.," "C.R.N.A.,"
2372 "C.N.M.," or "A.P.R.N." ~~"A.R.N.P."~~ or take any other action that
2373 would lead the public to believe that person was authorized by
2374 law to practice as such or is performing nursing services
2375 pursuant to the exception set forth in s. 464.022(8) unless that
2376 person is licensed, certified, or authorized pursuant to s.
2377 464.0095 to practice as such.

2378 Section 60. Paragraph (a) of subsection (2) of section

24-01080A-18

20181594__

2379 464.016, Florida Statutes, is amended to read:

2380 464.016 Violations and penalties.—

2381 (2) Each of the following acts constitutes a misdemeanor of
2382 the first degree, punishable as provided in s. 775.082 or s.
2383 775.083:

2384 (a) Using the name or title "Nurse," "Registered Nurse,"
2385 "Licensed Practical Nurse," "Clinical Nurse Specialist,"
2386 "Certified Registered Nurse Anesthetist," "Certified Nurse
2387 Midwife," "Advanced Practice Registered Nurse," ~~"Advanced
2388 Registered Nurse Practitioner,"~~ or any other name or title which
2389 implies that a person was licensed or certified as same, unless
2390 such person is duly licensed or certified.

2391 Section 61. Paragraphs (p) and (q) of subsection (1) of
2392 section 464.018, Florida Statutes, are amended to read:

2393 464.018 Disciplinary actions.—

2394 (1) The following acts constitute grounds for denial of a
2395 license or disciplinary action, as specified in s. 456.072(2):

2396 (p) For an advanced practice registered nurse ~~advanced
2397 registered nurse practitioner:~~

2398 1. Presigning blank prescription forms.

2399 2. Prescribing for office use any medicinal drug appearing
2400 on Schedule II in chapter 893.

2401 3. Prescribing, ordering, dispensing, administering,
2402 supplying, selling, or giving a drug that is an amphetamine, a
2403 sympathomimetic amine drug, or a compound designated in s.
2404 893.03(2) as a Schedule II controlled substance, to or for any
2405 person except for:

2406 a. The treatment of narcolepsy; hyperkinesia; behavioral
2407 syndrome in children characterized by the developmentally

24-01080A-18

20181594__

2408 inappropriate symptoms of moderate to severe distractibility,
2409 short attention span, hyperactivity, emotional lability, and
2410 impulsivity; or drug-induced brain dysfunction.

2411 b. The differential diagnostic psychiatric evaluation of
2412 depression or the treatment of depression shown to be refractory
2413 to other therapeutic modalities.

2414 c. The clinical investigation of the effects of such drugs
2415 or compounds when an investigative protocol is submitted to,
2416 reviewed by, and approved by the department before such
2417 investigation is begun.

2418 4. Prescribing, ordering, dispensing, administering,
2419 supplying, selling, or giving growth hormones, testosterone or
2420 its analogs, human chorionic gonadotropin (HCG), or other
2421 hormones for the purpose of muscle building or to enhance
2422 athletic performance. As used in this subparagraph, the term
2423 "muscle building" does not include the treatment of injured
2424 muscle. A prescription written for the drug products identified
2425 in this subparagraph may be dispensed by a pharmacist with the
2426 presumption that the prescription is for legitimate medical use.

2427 5. Promoting or advertising on any prescription form a
2428 community pharmacy unless the form also states: "This
2429 prescription may be filled at any pharmacy of your choice."

2430 6. Prescribing, dispensing, administering, mixing, or
2431 otherwise preparing a legend drug, including a controlled
2432 substance, other than in the course of his or her professional
2433 practice. For the purposes of this subparagraph, it is legally
2434 presumed that prescribing, dispensing, administering, mixing, or
2435 otherwise preparing legend drugs, including all controlled
2436 substances, inappropriately or in excessive or inappropriate

24-01080A-18

20181594__

2437 quantities is not in the best interest of the patient and is not
2438 in the course of the advanced practice registered nurse's
2439 ~~advanced registered nurse practitioner's~~ professional practice,
2440 without regard to his or her intent.

2441 7. Prescribing, dispensing, or administering a medicinal
2442 drug appearing on any schedule set forth in chapter 893 to
2443 himself or herself, except a drug prescribed, dispensed, or
2444 administered to the advanced practice registered nurse ~~advanced~~
2445 ~~registered nurse practitioner~~ by another practitioner authorized
2446 to prescribe, dispense, or administer medicinal drugs.

2447 8. Prescribing, ordering, dispensing, administering,
2448 supplying, selling, or giving amygdalin (laetrile) to any
2449 person.

2450 9. Dispensing a substance designated in s. 893.03(2) or (3)
2451 as a substance controlled in Schedule II or Schedule III,
2452 respectively, in violation of s. 465.0276.

2453 10. Promoting or advertising through any communication
2454 medium the use, sale, or dispensing of a substance designated in
2455 s. 893.03 as a controlled substance.

2456 (q) For a psychiatric nurse:

2457 1. Presigning blank prescription forms.

2458 2. Prescribing for office use any medicinal drug appearing
2459 in Schedule II of s. 893.03.

2460 3. Prescribing, ordering, dispensing, administering,
2461 supplying, selling, or giving a drug that is an amphetamine, a
2462 sympathomimetic amine drug, or a compound designated in s.
2463 893.03(2) as a Schedule II controlled substance, to or for any
2464 person except for:

2465 a. The treatment of narcolepsy; hyperkinesis; behavioral

24-01080A-18

20181594__

2466 syndrome in children characterized by the developmentally
2467 inappropriate symptoms of moderate to severe distractibility,
2468 short attention span, hyperactivity, emotional lability, and
2469 impulsivity; or drug-induced brain dysfunction.

2470 b. The differential diagnostic psychiatric evaluation of
2471 depression or the treatment of depression shown to be refractory
2472 to other therapeutic modalities.

2473 c. The clinical investigation of the effects of such drugs
2474 or compounds when an investigative protocol is submitted to,
2475 reviewed by, and approved by the department before such
2476 investigation is begun.

2477 4. Prescribing, ordering, dispensing, administering,
2478 supplying, selling, or giving growth hormones, testosterone or
2479 its analogs, human chorionic gonadotropin (HCG), or other
2480 hormones for the purpose of muscle building or to enhance
2481 athletic performance. As used in this subparagraph, the term
2482 "muscle building" does not include the treatment of injured
2483 muscle. A prescription written for the drug products identified
2484 in this subparagraph may be dispensed by a pharmacist with the
2485 presumption that the prescription is for legitimate medical use.

2486 5. Promoting or advertising on any prescription form a
2487 community pharmacy unless the form also states: "This
2488 prescription may be filled at any pharmacy of your choice."

2489 6. Prescribing, dispensing, administering, mixing, or
2490 otherwise preparing a legend drug, including a controlled
2491 substance, other than in the course of his or her professional
2492 practice. For the purposes of this subparagraph, it is legally
2493 presumed that prescribing, dispensing, administering, mixing, or
2494 otherwise preparing legend drugs, including all controlled

24-01080A-18

20181594__

2495 substances, inappropriately or in excessive or inappropriate
2496 quantities is not in the best interest of the patient and is not
2497 in the course of the advanced practice registered nurse's
2498 ~~advanced registered nurse practitioner's~~ professional practice,
2499 without regard to his or her intent.

2500 7. Prescribing, dispensing, or administering a medicinal
2501 drug appearing on any schedule set forth in chapter 893 to
2502 himself or herself, except a drug prescribed, dispensed, or
2503 administered to the psychiatric nurse by another practitioner
2504 authorized to prescribe, dispense, or administer medicinal
2505 drugs.

2506 8. Prescribing, ordering, dispensing, administering,
2507 supplying, selling, or giving amygdalin (laetrile) to any
2508 person.

2509 9. Dispensing a substance designated in s. 893.03(2) or (3)
2510 as a substance controlled in Schedule II or Schedule III,
2511 respectively, in violation of s. 465.0276.

2512 10. Promoting or advertising through any communication
2513 medium the use, sale, or dispensing of a substance designated in
2514 s. 893.03 as a controlled substance.

2515 Section 62. Section 10 of chapter 2016-139, Laws of
2516 Florida, as amended, is amended to read:

2517 Section 10. Subsections (1) and (2) of section 464.018,
2518 Florida Statutes, are amended to read:

2519 464.018 Disciplinary actions.—

2520 (1) The following acts constitute grounds for denial of a
2521 license or disciplinary action, as specified in ss. 456.072(2)
2522 and 464.0095:

2523 (a) Procuring, attempting to procure, or renewing a license

24-01080A-18

20181594__

2524 to practice nursing or the authority to practice practical or
2525 professional nursing pursuant to s. 464.0095 by bribery, by
2526 knowing misrepresentations, or through an error of the
2527 department or the board.

2528 (b) Having a license to practice nursing revoked,
2529 suspended, or otherwise acted against, including the denial of
2530 licensure, by the licensing authority of another state,
2531 territory, or country.

2532 (c) Being convicted or found guilty of, or entering a plea
2533 of guilty or nolo contendere to, regardless of adjudication, a
2534 crime in any jurisdiction which directly relates to the practice
2535 of nursing or to the ability to practice nursing.

2536 (d) Being convicted or found guilty of, or entering a plea
2537 of guilty or nolo contendere to, regardless of adjudication, any
2538 of the following offenses:

2539 1. A forcible felony as defined in chapter 776.

2540 2. A violation of chapter 812, relating to theft, robbery,
2541 and related crimes.

2542 3. A violation of chapter 817, relating to fraudulent
2543 practices.

2544 4. A violation of chapter 800, relating to lewdness and
2545 indecent exposure.

2546 5. A violation of chapter 784, relating to assault,
2547 battery, and culpable negligence.

2548 6. A violation of chapter 827, relating to child abuse.

2549 7. A violation of chapter 415, relating to protection from
2550 abuse, neglect, and exploitation.

2551 8. A violation of chapter 39, relating to child abuse,
2552 abandonment, and neglect.

24-01080A-18

20181594__

2553 9. For an applicant for a multistate license or for a
2554 multistate licenseholder under s. 464.0095, a felony offense
2555 under Florida law or federal criminal law.

2556 (e) Having been found guilty of, regardless of
2557 adjudication, or entered a plea of nolo contendere or guilty to,
2558 any offense prohibited under s. 435.04 or similar statute of
2559 another jurisdiction; or having committed an act which
2560 constitutes domestic violence as defined in s. 741.28.

2561 (f) Making or filing a false report or record, which the
2562 nurse knows to be false, intentionally or negligently failing to
2563 file a report or record required by state or federal law,
2564 willfully impeding or obstructing such filing or inducing
2565 another person to do so. Such reports or records shall include
2566 only those which are signed in the nurse's capacity as a
2567 licensed nurse.

2568 (g) False, misleading, or deceptive advertising.

2569 (h) Unprofessional conduct, as defined by board rule.

2570 (i) Engaging or attempting to engage in the possession,
2571 sale, or distribution of controlled substances as set forth in
2572 chapter 893, for any other than legitimate purposes authorized
2573 by this part.

2574 (j) Being unable to practice nursing with reasonable skill
2575 and safety to patients by reason of illness or use of alcohol,
2576 drugs, narcotics, or chemicals or any other type of material or
2577 as a result of any mental or physical condition. In enforcing
2578 this paragraph, the department shall have, upon a finding of the
2579 State Surgeon General or the State Surgeon General's designee
2580 that probable cause exists to believe that the nurse is unable
2581 to practice nursing because of the reasons stated in this

24-01080A-18

20181594__

2582 paragraph, the authority to issue an order to compel a nurse to
2583 submit to a mental or physical examination by physicians
2584 designated by the department. If the nurse refuses to comply
2585 with such order, the department's order directing such
2586 examination may be enforced by filing a petition for enforcement
2587 in the circuit court where the nurse resides or does business.
2588 The nurse against whom the petition is filed shall not be named
2589 or identified by initials in any public court records or
2590 documents, and the proceedings shall be closed to the public.
2591 The department shall be entitled to the summary procedure
2592 provided in s. 51.011. A nurse affected by this paragraph shall
2593 at reasonable intervals be afforded an opportunity to
2594 demonstrate that she or he can resume the competent practice of
2595 nursing with reasonable skill and safety to patients.

2596 (k) Failing to report to the department any person who the
2597 nurse knows is in violation of this part or of the rules of the
2598 department or the board. However, a person who the licensee
2599 knows is unable to practice nursing with reasonable skill and
2600 safety to patients by reason of illness or use of alcohol,
2601 drugs, narcotics, chemicals, or any other type of material, or
2602 as a result of a mental or physical condition, may be reported
2603 to a consultant operating an impaired practitioner program as
2604 described in s. 456.076 rather than to the department.

2605 (l) Knowingly violating any provision of this part, a rule
2606 of the board or the department, or a lawful order of the board
2607 or department previously entered in a disciplinary proceeding or
2608 failing to comply with a lawfully issued subpoena of the
2609 department.

2610 (m) Failing to report to the department any licensee under

24-01080A-18

20181594__

2611 chapter 458 or under chapter 459 who the nurse knows has
2612 violated the grounds for disciplinary action set out in the law
2613 under which that person is licensed and who provides health care
2614 services in a facility licensed under chapter 395, or a health
2615 maintenance organization certificated under part I of chapter
2616 641, in which the nurse also provides services.

2617 (n) Failing to meet minimal standards of acceptable and
2618 prevailing nursing practice, including engaging in acts for
2619 which the nurse is not qualified by training or experience.

2620 (o) Violating any provision of this chapter or chapter 456,
2621 or any rules adopted pursuant thereto.

2622 (p) For an advanced practice registered nurse ~~advanced~~
2623 ~~registered nurse practitioner~~:

2624 1. Presigning blank prescription forms.

2625 2. Prescribing for office use any medicinal drug appearing
2626 on Schedule II in chapter 893.

2627 3. Prescribing, ordering, dispensing, administering,
2628 supplying, selling, or giving a drug that is an amphetamine, a
2629 sympathomimetic amine drug, or a compound designated in s.
2630 893.03(2) as a Schedule II controlled substance, to or for any
2631 person except for:

2632 a. The treatment of narcolepsy; hyperkinesis; behavioral
2633 syndrome in children characterized by the developmentally
2634 inappropriate symptoms of moderate to severe distractibility,
2635 short attention span, hyperactivity, emotional lability, and
2636 impulsivity; or drug-induced brain dysfunction.

2637 b. The differential diagnostic psychiatric evaluation of
2638 depression or the treatment of depression shown to be refractory
2639 to other therapeutic modalities.

24-01080A-18

20181594__

2640 c. The clinical investigation of the effects of such drugs
2641 or compounds when an investigative protocol is submitted to,
2642 reviewed by, and approved by the department before such
2643 investigation is begun.

2644 4. Prescribing, ordering, dispensing, administering,
2645 supplying, selling, or giving growth hormones, testosterone or
2646 its analogs, human chorionic gonadotropin (HCG), or other
2647 hormones for the purpose of muscle building or to enhance
2648 athletic performance. As used in this subparagraph, the term
2649 "muscle building" does not include the treatment of injured
2650 muscle. A prescription written for the drug products identified
2651 in this subparagraph may be dispensed by a pharmacist with the
2652 presumption that the prescription is for legitimate medical use.

2653 5. Promoting or advertising on any prescription form a
2654 community pharmacy unless the form also states: "This
2655 prescription may be filled at any pharmacy of your choice."

2656 6. Prescribing, dispensing, administering, mixing, or
2657 otherwise preparing a legend drug, including a controlled
2658 substance, other than in the course of his or her professional
2659 practice. For the purposes of this subparagraph, it is legally
2660 presumed that prescribing, dispensing, administering, mixing, or
2661 otherwise preparing legend drugs, including all controlled
2662 substances, inappropriately or in excessive or inappropriate
2663 quantities is not in the best interest of the patient and is not
2664 in the course of the advanced practice registered nurse's
2665 ~~advanced registered nurse practitioner's~~ professional practice,
2666 without regard to his or her intent.

2667 7. Prescribing, dispensing, or administering a medicinal
2668 drug appearing on any schedule set forth in chapter 893 to

24-01080A-18

20181594__

2669 himself or herself, except a drug prescribed, dispensed, or
2670 administered to the advanced practice registered nurse ~~advanced~~
2671 ~~registered nurse practitioner~~ by another practitioner authorized
2672 to prescribe, dispense, or administer medicinal drugs.

2673 8. Prescribing, ordering, dispensing, administering,
2674 supplying, selling, or giving amygdalin (laetrile) to any
2675 person.

2676 9. Dispensing a substance designated in s. 893.03(2) or (3)
2677 as a substance controlled in Schedule II or Schedule III,
2678 respectively, in violation of s. 465.0276.

2679 10. Promoting or advertising through any communication
2680 medium the use, sale, or dispensing of a substance designated in
2681 s. 893.03 as a controlled substance.

2682 (q) For a psychiatric nurse:

2683 1. Presigning blank prescription forms.

2684 2. Prescribing for office use any medicinal drug appearing
2685 in Schedule II of s. 893.03.

2686 3. Prescribing, ordering, dispensing, administering,
2687 supplying, selling, or giving a drug that is an amphetamine, a
2688 sympathomimetic amine drug, or a compound designated in s.
2689 893.03(2) as a Schedule II controlled substance, to or for any
2690 person except for:

2691 a. The treatment of narcolepsy; hyperkinesis; behavioral
2692 syndrome in children characterized by the developmentally
2693 inappropriate symptoms of moderate to severe distractibility,
2694 short attention span, hyperactivity, emotional lability, and
2695 impulsivity; or drug-induced brain dysfunction.

2696 b. The differential diagnostic psychiatric evaluation of
2697 depression or the treatment of depression shown to be refractory

24-01080A-18

20181594__

2698 to other therapeutic modalities.

2699 c. The clinical investigation of the effects of such drugs
2700 or compounds when an investigative protocol is submitted to,
2701 reviewed by, and approved by the department before such
2702 investigation is begun.

2703 4. Prescribing, ordering, dispensing, administering,
2704 supplying, selling, or giving growth hormones, testosterone or
2705 its analogs, human chorionic gonadotropin (HCG), or other
2706 hormones for the purpose of muscle building or to enhance
2707 athletic performance. As used in this subparagraph, the term
2708 "muscle building" does not include the treatment of injured
2709 muscle. A prescription written for the drug products identified
2710 in this subparagraph may be dispensed by a pharmacist with the
2711 presumption that the prescription is for legitimate medical use.

2712 5. Promoting or advertising on any prescription form a
2713 community pharmacy unless the form also states: "This
2714 prescription may be filled at any pharmacy of your choice."

2715 6. Prescribing, dispensing, administering, mixing, or
2716 otherwise preparing a legend drug, including a controlled
2717 substance, other than in the course of his or her professional
2718 practice. For the purposes of this subparagraph, it is legally
2719 presumed that prescribing, dispensing, administering, mixing, or
2720 otherwise preparing legend drugs, including all controlled
2721 substances, inappropriately or in excessive or inappropriate
2722 quantities is not in the best interest of the patient and is not
2723 in the course of the advanced practice registered nurse's
2724 ~~advanced registered nurse practitioner's~~ professional practice,
2725 without regard to his or her intent.

2726 7. Prescribing, dispensing, or administering a medicinal

24-01080A-18

20181594__

2727 drug appearing on any schedule set forth in chapter 893 to
2728 himself or herself, except a drug prescribed, dispensed, or
2729 administered to the psychiatric nurse by another practitioner
2730 authorized to prescribe, dispense, or administer medicinal
2731 drugs.

2732 8. Prescribing, ordering, dispensing, administering,
2733 supplying, selling, or giving amygdalin (laetrile) to any
2734 person.

2735 9. Dispensing a substance designated in s. 893.03(2) or (3)
2736 as a substance controlled in Schedule II or Schedule III,
2737 respectively, in violation of s. 465.0276.

2738 10. Promoting or advertising through any communication
2739 medium the use, sale, or dispensing of a substance designated in
2740 s. 893.03 as a controlled substance.

2741 (2) (a) The board may enter an order denying licensure or
2742 imposing any of the penalties in s. 456.072(2) against any
2743 applicant for licensure or nurse who is found guilty of
2744 violating subsection (1) or s. 456.072(1).

2745 (b) The board may take adverse action against a nurse's
2746 multistate licensure privilege and impose any of the penalties
2747 in s. 456.072(2) when the nurse is found guilty of violating
2748 subsection (1) or s. 456.072(1).

2749 Section 63. Paragraph (a) of subsection (4) of section
2750 464.0205, Florida Statutes, is amended to read:

2751 464.0205 Retired volunteer nurse certificate.—

2752 (4) A retired volunteer nurse receiving certification from
2753 the board shall:

2754 (a) Work under the direct supervision of the director of a
2755 county health department, a physician working under a limited

24-01080A-18

20181594__

2756 license issued pursuant to s. 458.317 or s. 459.0075, a
2757 physician licensed under chapter 458 or chapter 459, an advanced
2758 practice registered nurse ~~advanced registered nurse practitioner~~
2759 certified under s. 464.012, or a registered nurse licensed under
2760 s. 464.008 or s. 464.009.

2761 Section 64. Subsection (2) of section 467.003, Florida
2762 Statutes, is amended to read:

2763 467.003 Definitions.—As used in this chapter, unless the
2764 context otherwise requires:

2765 (2) "Certified nurse midwife" means a person who is
2766 licensed as an advanced practice registered nurse ~~advanced~~
2767 ~~registered nurse practitioner~~ under part I of chapter 464 and
2768 who is certified to practice midwifery by the American College
2769 of Nurse Midwives.

2770 Section 65. Subsection (1) of section 480.0475, Florida
2771 Statutes, is amended to read:

2772 480.0475 Massage establishments; prohibited practices.—

2773 (1) A person may not operate a massage establishment
2774 between the hours of midnight and 5 a.m. This subsection does
2775 not apply to a massage establishment:

2776 (a) Located on the premises of a health care facility as
2777 defined in s. 408.07; a health care clinic as defined in s.
2778 400.9905(4); a hotel, motel, or bed and breakfast inn, as those
2779 terms are defined in s. 509.242; a timeshare property as defined
2780 in s. 721.05; a public airport as defined in s. 330.27; or a
2781 pari-mutuel facility as defined in s. 550.002;

2782 (b) In which every massage performed between the hours of
2783 midnight and 5 a.m. is performed by a massage therapist acting
2784 under the prescription of a physician or physician assistant

24-01080A-18

20181594__

2785 licensed under chapter 458, an osteopathic physician or
2786 physician assistant licensed under chapter 459, a chiropractic
2787 physician licensed under chapter 460, a podiatric physician
2788 licensed under chapter 461, an advanced practice registered
2789 nurse ~~advanced registered nurse practitioner~~ licensed under part
2790 I of chapter 464, or a dentist licensed under chapter 466; or

2791 (c) Operating during a special event if the county or
2792 municipality in which the establishment operates has approved
2793 such operation during the special event.

2794 Section 66. Subsection (7) of section 483.041, Florida
2795 Statutes, is amended to read:

2796 483.041 Definitions.—As used in this part, the term:

2797 (7) "Licensed practitioner" means a physician licensed
2798 under chapter 458, chapter 459, chapter 460, or chapter 461; a
2799 certified optometrist licensed under chapter 463; a dentist
2800 licensed under chapter 466; a person licensed under chapter 462;
2801 a consultant pharmacist or doctor of pharmacy licensed under
2802 chapter 465; or an advanced practice registered nurse ~~advanced~~
2803 ~~registered nurse practitioner~~ licensed under part I of chapter
2804 464; or a duly licensed practitioner from another state licensed
2805 under similar statutes who orders examinations on materials or
2806 specimens for nonresidents of the State of Florida, but who
2807 reside in the same state as the requesting licensed
2808 practitioner.

2809 Section 67. Subsection (5) of section 483.801, Florida
2810 Statutes, is amended to read:

2811 483.801 Exemptions.—This part applies to all clinical
2812 laboratories and clinical laboratory personnel within this
2813 state, except:

24-01080A-18

20181594__

2814 (5) Advanced practice registered nurses ~~advanced registered~~
2815 ~~nurse practitioners~~ licensed under part I of chapter 464 who
2816 perform provider-performed microscopy procedures (PPMP) in an
2817 exclusive-use laboratory setting.

2818 Section 68. Paragraph (a) of subsection (11) of section
2819 486.021, Florida Statutes, is amended to read:

2820 486.021 Definitions.—In this chapter, unless the context
2821 otherwise requires, the term:

2822 (11) "Practice of physical therapy" means the performance
2823 of physical therapy assessments and the treatment of any
2824 disability, injury, disease, or other health condition of human
2825 beings, or the prevention of such disability, injury, disease,
2826 or other condition of health, and rehabilitation as related
2827 thereto by the use of the physical, chemical, and other
2828 properties of air; electricity; exercise; massage; the
2829 performance of acupuncture only upon compliance with the
2830 criteria set forth by the Board of Medicine, when no penetration
2831 of the skin occurs; the use of radiant energy, including
2832 ultraviolet, visible, and infrared rays; ultrasound; water; the
2833 use of apparatus and equipment in the application of the
2834 foregoing or related thereto; the performance of tests of
2835 neuromuscular functions as an aid to the diagnosis or treatment
2836 of any human condition; or the performance of electromyography
2837 as an aid to the diagnosis of any human condition only upon
2838 compliance with the criteria set forth by the Board of Medicine.

2839 (a) A physical therapist may implement a plan of treatment
2840 developed by the physical therapist for a patient or provided
2841 for a patient by a practitioner of record or by an advanced
2842 practice registered nurse ~~advanced registered nurse practitioner~~

24-01080A-18

20181594__

2843 licensed under s. 464.012. The physical therapist shall refer
2844 the patient to or consult with a practitioner of record if the
2845 patient's condition is found to be outside the scope of physical
2846 therapy. If physical therapy treatment for a patient is required
2847 beyond 30 days for a condition not previously assessed by a
2848 practitioner of record, the physical therapist shall have a
2849 practitioner of record review and sign the plan. The requirement
2850 that a physical therapist have a practitioner of record review
2851 and sign a plan of treatment does not apply when a patient has
2852 been physically examined by a physician licensed in another
2853 state, the patient has been diagnosed by the physician as having
2854 a condition for which physical therapy is required, and the
2855 physical therapist is treating the condition. For purposes of
2856 this paragraph, a health care practitioner licensed under
2857 chapter 458, chapter 459, chapter 460, chapter 461, or chapter
2858 466 and engaged in active practice is eligible to serve as a
2859 practitioner of record.

2860 Section 69. Paragraph (d) of subsection (1) of section
2861 490.012, Florida Statutes, is amended to read:

2862 490.012 Violations; penalties; injunction.-

2863 (1)

2864 (d) A person may not ~~No person shall~~ hold herself or
2865 himself out by any title or description incorporating the word,
2866 or a permutation of the word, "psychotherapy" unless such person
2867 holds a valid, active license under chapter 458, chapter 459,
2868 chapter 490, or chapter 491, or such person is certified as an
2869 advanced practice registered nurse ~~advanced registered nurse~~
2870 ~~practitioner~~, pursuant to s. 464.012, who has been determined by
2871 the Board of Nursing as a specialist in psychiatric mental

24-01080A-18

20181594__

2872 health.

2873 Section 70. Subsection (1) of section 491.0057, Florida
2874 Statutes, is amended to read:

2875 491.0057 Dual licensure as a marriage and family
2876 therapist.—The department shall license as a marriage and family
2877 therapist any person who demonstrates to the board that he or
2878 she:

2879 (1) Holds a valid, active license as a psychologist under
2880 chapter 490 or as a clinical social worker or mental health
2881 counselor under this chapter, or is certified under s. 464.012
2882 as an advanced practice registered nurse ~~advanced registered~~
2883 ~~nurse practitioner~~ who has been determined by the Board of
2884 Nursing as a specialist in psychiatric mental health.

2885 Section 71. Paragraph (d) of subsection (1) and subsection
2886 (2) of section 491.012, Florida Statutes, are amended to read:

2887 491.012 Violations; penalty; injunction.—

2888 (1) It is unlawful and a violation of this chapter for any
2889 person to:

2890 (d) Use the terms psychotherapist, sex therapist, or
2891 juvenile sexual offender therapist unless such person is
2892 licensed pursuant to this chapter or chapter 490, or is
2893 certified under s. 464.012 as an advanced practice registered
2894 nurse ~~advanced registered nurse practitioner~~ who has been
2895 determined by the Board of Nursing as a specialist in
2896 psychiatric mental health and the use of such terms is within
2897 the scope of her or his practice based on education, training,
2898 and licensure.

2899 (2) It is unlawful and a violation of this chapter for any
2900 person to describe her or his services using the following terms

24-01080A-18

20181594__

2901 or any derivative thereof, unless such person holds a valid,
 2902 active license under this chapter or chapter 490, or is
 2903 certified under s. 464.012 as an advanced practice registered
 2904 nurse ~~advanced registered nurse practitioner~~ who has been
 2905 determined by the Board of Nursing as a specialist in
 2906 psychiatric mental health and the use of such terms is within
 2907 the scope of her or his practice based on education, training,
 2908 and licensure:

- 2909 (a) "Psychotherapy."
- 2910 (b) "Sex therapy."
- 2911 (c) "Sex counseling."
- 2912 (d) "Clinical social work."
- 2913 (e) "Psychiatric social work."
- 2914 (f) "Marriage and family therapy."
- 2915 (g) "Marriage and family counseling."
- 2916 (h) "Marriage counseling."
- 2917 (i) "Family counseling."
- 2918 (j) "Mental health counseling."

2919 Section 72. Subsection (2) of section 493.6108, Florida
 2920 Statutes, is amended to read:

2921 493.6108 Investigation of applicants by Department of
 2922 Agriculture and Consumer Services.—

2923 (2) In addition to subsection (1), the department shall
 2924 make an investigation of the general physical fitness of the
 2925 Class "G" applicant to bear a weapon or firearm. Determination
 2926 of physical fitness shall be certified by a physician or
 2927 physician assistant currently licensed pursuant to chapter 458,
 2928 chapter 459, or any similar law of another state or authorized
 2929 to act as a licensed physician by a federal agency or department

24-01080A-18

20181594__

2930 or by an advanced practice registered nurse ~~advanced registered~~
 2931 ~~nurse practitioner~~ currently licensed pursuant to chapter 464.
 2932 Such certification shall be submitted on a form provided by the
 2933 department.

2934 Section 73. Paragraph (b) of subsection (1) of section
 2935 627.357, Florida Statutes, is amended to read:

2936 627.357 Medical malpractice self-insurance.—

2937 (1) DEFINITIONS.—As used in this section, the term:

2938 (b) "Health care provider" means any:

2939 1. Hospital licensed under chapter 395.

2940 2. Physician licensed, or physician assistant licensed,
 2941 under chapter 458.

2942 3. Osteopathic physician or physician assistant licensed
 2943 under chapter 459.

2944 4. Podiatric physician licensed under chapter 461.

2945 5. Health maintenance organization certificated under part
 2946 I of chapter 641.

2947 6. Ambulatory surgical center licensed under chapter 395.

2948 7. Chiropractic physician licensed under chapter 460.

2949 8. Psychologist licensed under chapter 490.

2950 9. Optometrist licensed under chapter 463.

2951 10. Dentist licensed under chapter 466.

2952 11. Pharmacist licensed under chapter 465.

2953 12. Registered nurse, licensed practical nurse, or advanced
 2954 practice registered nurse ~~advanced registered nurse practitioner~~
 2955 licensed or registered under part I of chapter 464.

2956 13. Other medical facility.

2957 14. Professional association, partnership, corporation,
 2958 joint venture, or other association established by the

24-01080A-18

20181594__

2959 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,
2960 10., 11., and 12. for professional activity.

2961 Section 74. Subsection (6) of section 627.6471, Florida
2962 Statutes, is amended to read:

2963 627.6471 Contracts for reduced rates of payment;
2964 limitations; coinsurance and deductibles.—

2965 (6) If psychotherapeutic services are covered by a policy
2966 issued by the insurer, the insurer shall provide eligibility
2967 criteria for each group of health care providers licensed under
2968 chapter 458, chapter 459, chapter 490, or chapter 491, which
2969 include psychotherapy within the scope of their practice as
2970 provided by law, or for any person who is certified as an
2971 advanced practice registered nurse ~~advanced registered nurse~~
2972 ~~practitioner~~ in psychiatric mental health under s. 464.012. When
2973 psychotherapeutic services are covered, eligibility criteria
2974 shall be established by the insurer to be included in the
2975 insurer's criteria for selection of network providers. The
2976 insurer may not discriminate against a health care provider by
2977 excluding such practitioner from its provider network solely on
2978 the basis of the practitioner's license.

2979 Section 75. Subsections (15) and (17) of section 627.6472,
2980 Florida Statutes, are amended to read:

2981 627.6472 Exclusive provider organizations.—

2982 (15) If psychotherapeutic services are covered by a policy
2983 issued by the insurer, the insurer shall provide eligibility
2984 criteria for all groups of health care providers licensed under
2985 chapter 458, chapter 459, chapter 490, or chapter 491, which
2986 include psychotherapy within the scope of their practice as
2987 provided by law, or for any person who is certified as an

24-01080A-18

20181594__

2988 advanced practice registered nurse ~~advanced registered nurse~~
2989 ~~practitioner~~ in psychiatric mental health under s. 464.012. When
2990 psychotherapeutic services are covered, eligibility criteria
2991 shall be established by the insurer to be included in the
2992 insurer's criteria for selection of network providers. The
2993 insurer may not discriminate against a health care provider by
2994 excluding such practitioner from its provider network solely on
2995 the basis of the practitioner's license.

2996 (17) An exclusive provider organization shall not
2997 discriminate with respect to participation as to any advanced
2998 practice registered nurse ~~advanced registered nurse practitioner~~
2999 licensed and certified pursuant to s. 464.012, who is acting
3000 within the scope of such license and certification, solely on
3001 the basis of such license or certification. This subsection
3002 shall not be construed to prohibit a plan from including
3003 providers only to the extent necessary to meet the needs of the
3004 plan's enrollees or from establishing any measure designed to
3005 maintain quality and control costs consistent with the
3006 responsibilities of the plan.

3007 Section 76. Paragraph (a) of subsection (1) of section
3008 627.736, Florida Statutes, is amended to read:

3009 627.736 Required personal injury protection benefits;
3010 exclusions; priority; claims.—

3011 (1) REQUIRED BENEFITS.—An insurance policy complying with
3012 the security requirements of s. 627.733 must provide personal
3013 injury protection to the named insured, relatives residing in
3014 the same household, persons operating the insured motor vehicle,
3015 passengers in the motor vehicle, and other persons struck by the
3016 motor vehicle and suffering bodily injury while not an occupant

24-01080A-18

20181594__

3017 of a self-propelled vehicle, subject to subsection (2) and
3018 paragraph (4) (e), to a limit of \$10,000 in medical and
3019 disability benefits and \$5,000 in death benefits resulting from
3020 bodily injury, sickness, disease, or death arising out of the
3021 ownership, maintenance, or use of a motor vehicle as follows:

3022 (a) *Medical benefits.*—Eighty percent of all reasonable
3023 expenses for medically necessary medical, surgical, X-ray,
3024 dental, and rehabilitative services, including prosthetic
3025 devices and medically necessary ambulance, hospital, and nursing
3026 services if the individual receives initial services and care
3027 pursuant to subparagraph 1. within 14 days after the motor
3028 vehicle accident. The medical benefits provide reimbursement
3029 only for:

3030 1. Initial services and care that are lawfully provided,
3031 supervised, ordered, or prescribed by a physician licensed under
3032 chapter 458 or chapter 459, a dentist licensed under chapter
3033 466, or a chiropractic physician licensed under chapter 460 or
3034 that are provided in a hospital or in a facility that owns, or
3035 is wholly owned by, a hospital. Initial services and care may
3036 also be provided by a person or entity licensed under part III
3037 of chapter 401 which provides emergency transportation and
3038 treatment.

3039 2. Upon referral by a provider described in subparagraph
3040 1., followup services and care consistent with the underlying
3041 medical diagnosis rendered pursuant to subparagraph 1. which may
3042 be provided, supervised, ordered, or prescribed only by a
3043 physician licensed under chapter 458 or chapter 459, a
3044 chiropractic physician licensed under chapter 460, a dentist
3045 licensed under chapter 466, or, to the extent permitted by

24-01080A-18

20181594__

3046 applicable law and under the supervision of such physician,
3047 osteopathic physician, chiropractic physician, or dentist, by a
3048 physician assistant licensed under chapter 458 or chapter 459 or
3049 an advanced practice registered nurse ~~advanced registered nurse~~
3050 ~~practitioner~~ licensed under chapter 464. Followup services and

3051 care may also be provided by the following persons or entities:

3052 a. A hospital or ambulatory surgical center licensed under
3053 chapter 395.

3054 b. An entity wholly owned by one or more physicians
3055 licensed under chapter 458 or chapter 459, chiropractic
3056 physicians licensed under chapter 460, or dentists licensed
3057 under chapter 466 or by such practitioners and the spouse,
3058 parent, child, or sibling of such practitioners.

3059 c. An entity that owns or is wholly owned, directly or
3060 indirectly, by a hospital or hospitals.

3061 d. A physical therapist licensed under chapter 486, based
3062 upon a referral by a provider described in this subparagraph.

3063 e. A health care clinic licensed under part X of chapter
3064 400 which is accredited by an accrediting organization whose
3065 standards incorporate comparable regulations required by this
3066 state, or

3067 (I) Has a medical director licensed under chapter 458,
3068 chapter 459, or chapter 460;

3069 (II) Has been continuously licensed for more than 3 years
3070 or is a publicly traded corporation that issues securities
3071 traded on an exchange registered with the United States
3072 Securities and Exchange Commission as a national securities
3073 exchange; and

3074 (III) Provides at least four of the following medical

24-01080A-18

20181594__

3075 specialties:

3076 (A) General medicine.

3077 (B) Radiography.

3078 (C) Orthopedic medicine.

3079 (D) Physical medicine.

3080 (E) Physical therapy.

3081 (F) Physical rehabilitation.

3082 (G) Prescribing or dispensing outpatient prescription

3083 medication.

3084 (H) Laboratory services.

3085 3. Reimbursement for services and care provided in

3086 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician

3087 licensed under chapter 458 or chapter 459, a dentist licensed

3088 under chapter 466, a physician assistant licensed under chapter

3089 458 or chapter 459, or an advanced practice registered nurse

3090 ~~advanced registered nurse practitioner~~ licensed under chapter

3091 464 has determined that the injured person had an emergency

3092 medical condition.

3093 4. Reimbursement for services and care provided in

3094 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a

3095 provider listed in subparagraph 1. or subparagraph 2. determines

3096 that the injured person did not have an emergency medical

3097 condition.

3098 5. Medical benefits do not include massage as defined in s.

3099 480.033 or acupuncture as defined in s. 457.102, regardless of

3100 the person, entity, or licensee providing massage or

3101 acupuncture, and a licensed massage therapist or licensed

3102 acupuncturist may not be reimbursed for medical benefits under

3103 this section.

24-01080A-18

20181594__

3104 6. The Financial Services Commission shall adopt by rule
3105 the form that must be used by an insurer and a health care
3106 provider specified in sub-subparagraph 2.b., sub-subparagraph
3107 2.c., or sub-subparagraph 2.e. to document that the health care
3108 provider meets the criteria of this paragraph. Such rule must
3109 include a requirement for a sworn statement or affidavit.

3110
3111 Only insurers writing motor vehicle liability insurance in this
3112 state may provide the required benefits of this section, and
3113 such insurer may not require the purchase of any other motor
3114 vehicle coverage other than the purchase of property damage
3115 liability coverage as required by s. 627.7275 as a condition for
3116 providing such benefits. Insurers may not require that property
3117 damage liability insurance in an amount greater than \$10,000 be
3118 purchased in conjunction with personal injury protection. Such
3119 insurers shall make benefits and required property damage
3120 liability insurance coverage available through normal marketing
3121 channels. An insurer writing motor vehicle liability insurance
3122 in this state who fails to comply with such availability
3123 requirement as a general business practice violates part IX of
3124 chapter 626, and such violation constitutes an unfair method of
3125 competition or an unfair or deceptive act or practice involving
3126 the business of insurance. An insurer committing such violation
3127 is subject to the penalties provided under that part, as well as
3128 those provided elsewhere in the insurance code.

3129 Section 77. Subsection (5) of section 633.412, Florida
3130 Statutes, is amended to read:

3131 633.412 Firefighters; qualifications for certification.—A
3132 person applying for certification as a firefighter must:

24-01080A-18

20181594__

3133 (5) Be in good physical condition as determined by a
 3134 medical examination given by a physician, surgeon, or physician
 3135 assistant licensed to practice in the state pursuant to chapter
 3136 458; an osteopathic physician, surgeon, or physician assistant
 3137 licensed to practice in the state pursuant to chapter 459; or an
 3138 advanced practice registered nurse ~~advanced registered nurse~~
 3139 ~~practitioner~~ licensed to practice in the state pursuant to
 3140 chapter 464. Such examination may include, but need not be
 3141 limited to, the National Fire Protection Association Standard
 3142 1582. A medical examination evidencing good physical condition
 3143 shall be submitted to the division, on a form as provided by
 3144 rule, before an individual is eligible for admission into a
 3145 course under s. 633.408.

3146 Section 78. Section 641.3923, Florida Statutes, is amended
 3147 to read:

3148 641.3923 Discrimination against providers prohibited.—A
 3149 health maintenance organization may ~~shall~~ not discriminate with
 3150 respect to participation as to any advanced practice registered
 3151 nurse ~~advanced registered nurse practitioner~~ licensed and
 3152 certified pursuant to s. 464.012, who is acting within the scope
 3153 of such license and certification, solely on the basis of such
 3154 license or certification. This section may ~~shall~~ not be
 3155 construed to prohibit a plan from including providers only to
 3156 the extent necessary to meet the needs of the plan's enrollees
 3157 or from establishing any measure designed to maintain quality
 3158 and control costs consistent with the responsibilities of the
 3159 plan.

3160 Section 79. Subsection (3) of section 766.103, Florida
 3161 Statutes, is amended to read:

24-01080A-18

20181594__

3162 766.103 Florida Medical Consent Law.—

3163 (3) No recovery shall be allowed in any court in this state
3164 against any physician licensed under chapter 458, osteopathic
3165 physician licensed under chapter 459, chiropractic physician
3166 licensed under chapter 460, podiatric physician licensed under
3167 chapter 461, dentist licensed under chapter 466, advanced
3168 practice registered nurse ~~advanced registered nurse practitioner~~
3169 certified under s. 464.012, or physician assistant licensed
3170 under s. 458.347 or s. 459.022 in an action brought for
3171 treating, examining, or operating on a patient without his or
3172 her informed consent when:

3173 (a)1. The action of the physician, osteopathic physician,
3174 chiropractic physician, podiatric physician, dentist, advanced
3175 practice registered nurse ~~advanced registered nurse~~
3176 ~~practitioner~~, or physician assistant in obtaining the consent of
3177 the patient or another person authorized to give consent for the
3178 patient was in accordance with an accepted standard of medical
3179 practice among members of the medical profession with similar
3180 training and experience in the same or similar medical community
3181 as that of the person treating, examining, or operating on the
3182 patient for whom the consent is obtained; and

3183 2. A reasonable individual, from the information provided
3184 by the physician, osteopathic physician, chiropractic physician,
3185 podiatric physician, dentist, advanced practice registered nurse
3186 ~~advanced registered nurse practitioner~~, or physician assistant,
3187 under the circumstances, would have a general understanding of
3188 the procedure, the medically acceptable alternative procedures
3189 or treatments, and the substantial risks and hazards inherent in
3190 the proposed treatment or procedures, which are recognized among

24-01080A-18

20181594__

3191 other physicians, osteopathic physicians, chiropractic
 3192 physicians, podiatric physicians, or dentists in the same or
 3193 similar community who perform similar treatments or procedures;
 3194 or

3195 (b) The patient would reasonably, under all the surrounding
 3196 circumstances, have undergone such treatment or procedure had he
 3197 or she been advised by the physician, osteopathic physician,
 3198 chiropractic physician, podiatric physician, dentist, advanced
 3199 practice registered nurse ~~advanced registered nurse~~
 3200 ~~practitioner~~, or physician assistant in accordance with the
 3201 provisions of paragraph (a).

3202 Section 80. Paragraph (d) of subsection (3) of section
 3203 766.1115, Florida Statutes, is amended to read:

3204 766.1115 Health care providers; creation of agency
 3205 relationship with governmental contractors.-

3206 (3) DEFINITIONS.-As used in this section, the term:

3207 (d) "Health care provider" or "provider" means:

- 3208 1. A birth center licensed under chapter 383.
- 3209 2. An ambulatory surgical center licensed under chapter
 3210 395.
- 3211 3. A hospital licensed under chapter 395.
- 3212 4. A physician or physician assistant licensed under
 3213 chapter 458.
- 3214 5. An osteopathic physician or osteopathic physician
 3215 assistant licensed under chapter 459.

3216 6. A chiropractic physician licensed under chapter 460.

3217 7. A podiatric physician licensed under chapter 461.

3218 8. A registered nurse, nurse midwife, licensed practical
 3219 nurse, or advanced practice registered nurse ~~advanced registered~~

24-01080A-18

20181594__

3220 ~~nurse practitioner~~ licensed or registered under part I of
3221 chapter 464 or any facility which employs nurses licensed or
3222 registered under part I of chapter 464 to supply all or part of
3223 the care delivered under this section.

3224 9. A midwife licensed under chapter 467.

3225 10. A health maintenance organization certificated under
3226 part I of chapter 641.

3227 11. A health care professional association and its
3228 employees or a corporate medical group and its employees.

3229 12. Any other medical facility the primary purpose of which
3230 is to deliver human medical diagnostic services or which
3231 delivers nonsurgical human medical treatment, and which includes
3232 an office maintained by a provider.

3233 13. A dentist or dental hygienist licensed under chapter
3234 466.

3235 14. A free clinic that delivers only medical diagnostic
3236 services or nonsurgical medical treatment free of charge to all
3237 low-income recipients.

3238 15. Any other health care professional, practitioner,
3239 provider, or facility under contract with a governmental
3240 contractor, including a student enrolled in an accredited
3241 program that prepares the student for licensure as any one of
3242 the professionals listed in subparagraphs 4.-9.

3243
3244 The term includes any nonprofit corporation qualified as exempt
3245 from federal income taxation under s. 501(a) of the Internal
3246 Revenue Code, and described in s. 501(c) of the Internal Revenue
3247 Code, which delivers health care services provided by licensed
3248 professionals listed in this paragraph, any federally funded

24-01080A-18

20181594__

3249 community health center, and any volunteer corporation or
3250 volunteer health care provider that delivers health care
3251 services.

3252 Section 81. Subsection (1) of section 766.1116, Florida
3253 Statutes, is amended to read:

3254 766.1116 Health care practitioner; waiver of license
3255 renewal fees and continuing education requirements.—

3256 (1) As used in this section, the term "health care
3257 practitioner" means a physician or physician assistant licensed
3258 under chapter 458; an osteopathic physician or physician
3259 assistant licensed under chapter 459; a chiropractic physician
3260 licensed under chapter 460; a podiatric physician licensed under
3261 chapter 461; an advanced practice registered nurse ~~advanced~~
3262 ~~registered nurse practitioner~~, registered nurse, or licensed
3263 practical nurse licensed under part I of chapter 464; a dentist
3264 or dental hygienist licensed under chapter 466; or a midwife
3265 licensed under chapter 467, who participates as a health care
3266 provider under s. 766.1115.

3267 Section 82. Subsection (5) of section 794.08, Florida
3268 Statutes, is amended to read:

3269 794.08 Female genital mutilation.—

3270 (5) This section does not apply to procedures performed by
3271 or under the direction of a physician licensed under chapter
3272 458, an osteopathic physician licensed under chapter 459, a
3273 registered nurse licensed under part I of chapter 464, a
3274 practical nurse licensed under part I of chapter 464, an
3275 advanced practice registered nurse ~~advanced registered nurse~~
3276 ~~practitioner~~ licensed under part I of chapter 464, a midwife
3277 licensed under chapter 467, or a physician assistant licensed

24-01080A-18

20181594__

3278 under chapter 458 or chapter 459 when necessary to preserve the
3279 physical health of a female person. This section also does not
3280 apply to any autopsy or limited dissection conducted pursuant to
3281 chapter 406.

3282 Section 83. Subsection (23) of section 893.02, Florida
3283 Statutes, is amended to read:

3284 893.02 Definitions.—The following words and phrases as used
3285 in this chapter shall have the following meanings, unless the
3286 context otherwise requires:

3287 (23) "Practitioner" means a physician licensed under
3288 chapter 458, a dentist licensed under chapter 466, a
3289 veterinarian licensed under chapter 474, an osteopathic
3290 physician licensed under chapter 459, an advanced practice
3291 registered nurse ~~advanced registered nurse practitioner~~
3292 certified under chapter 464, a naturopath licensed under chapter
3293 462, a certified optometrist licensed under chapter 463, a
3294 psychiatric nurse as defined in s. 394.455, a podiatric
3295 physician licensed under chapter 461, or a physician assistant
3296 licensed under chapter 458 or chapter 459, provided such
3297 practitioner holds a valid federal controlled substance registry
3298 number.

3299 Section 84. Paragraph (b) of subsection (1) of section
3300 893.05, Florida Statutes, is amended to read:

3301 893.05 Practitioners and persons administering controlled
3302 substances in their absence.—

3303 (1)

3304 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
3305 464.012(3), as applicable, a practitioner who supervises a
3306 licensed physician assistant or advanced practice registered

24-01080A-18

20181594__

3307 ~~nurse advanced registered nurse practitioner~~ may authorize the
3308 licensed physician assistant or advanced practice registered
3309 ~~nurse advanced registered nurse practitioner~~ to order controlled
3310 substances for administration to a patient in a facility
3311 licensed under chapter 395 or part II of chapter 400.

3312 Section 85. Subsection (6) of section 943.13, Florida
3313 Statutes, is amended to read:

3314 943.13 Officers' minimum qualifications for employment or
3315 appointment.—On or after October 1, 1984, any person employed or
3316 appointed as a full-time, part-time, or auxiliary law
3317 enforcement officer or correctional officer; on or after October
3318 1, 1986, any person employed as a full-time, part-time, or
3319 auxiliary correctional probation officer; and on or after
3320 October 1, 1986, any person employed as a full-time, part-time,
3321 or auxiliary correctional officer by a private entity under
3322 contract to the Department of Corrections, to a county
3323 commission, or to the Department of Management Services shall:

3324 (6) Have passed a physical examination by a licensed
3325 physician, physician assistant, or certified advanced practice
3326 registered nurse ~~advanced registered nurse practitioner~~, based
3327 on specifications established by the commission. In order to be
3328 eligible for the presumption set forth in s. 112.18 while
3329 employed with an employing agency, a law enforcement officer,
3330 correctional officer, or correctional probation officer must
3331 have successfully passed the physical examination required by
3332 this subsection upon entering into service as a law enforcement
3333 officer, correctional officer, or correctional probation officer
3334 with the employing agency, which examination must have failed to
3335 reveal any evidence of tuberculosis, heart disease, or

24-01080A-18

20181594__

3336 hypertension. A law enforcement officer, correctional officer,
3337 or correctional probation officer may not use a physical
3338 examination from a former employing agency for purposes of
3339 claiming the presumption set forth in s. 112.18 against the
3340 current employing agency.

3341 Section 86. Paragraph (n) of subsection (1) of section
3342 948.03, Florida Statutes, is amended to read:

3343 948.03 Terms and conditions of probation.—

3344 (1) The court shall determine the terms and conditions of
3345 probation. Conditions specified in this section do not require
3346 oral pronouncement at the time of sentencing and may be
3347 considered standard conditions of probation. These conditions
3348 may include among them the following, that the probationer or
3349 offender in community control shall:

3350 (n) Be prohibited from using intoxicants to excess or
3351 possessing any drugs or narcotics unless prescribed by a
3352 physician, an advanced practice registered nurse ~~advanced~~
3353 ~~registered nurse practitioner~~, or a physician assistant. The
3354 probationer or community controllee may not knowingly visit
3355 places where intoxicants, drugs, or other dangerous substances
3356 are unlawfully sold, dispensed, or used.

3357 Section 87. Paragraph (i) of subsection (3) of section
3358 1002.20, Florida Statutes, is amended to read:

3359 1002.20 K-12 student and parent rights.—Parents of public
3360 school students must receive accurate and timely information
3361 regarding their child's academic progress and must be informed
3362 of ways they can help their child to succeed in school. K-12
3363 students and their parents are afforded numerous statutory
3364 rights including, but not limited to, the following:

24-01080A-18

20181594__

3365 (3) HEALTH ISSUES.—

3366 (i) *Epinephrine use and supply.*—

3367 1. A student who has experienced or is at risk for life-
3368 threatening allergic reactions may carry an epinephrine auto-
3369 injector and self-administer epinephrine by auto-injector while
3370 in school, participating in school-sponsored activities, or in
3371 transit to or from school or school-sponsored activities if the
3372 school has been provided with parental and physician
3373 authorization. The State Board of Education, in cooperation with
3374 the Department of Health, shall adopt rules for such use of
3375 epinephrine auto-injectors that shall include provisions to
3376 protect the safety of all students from the misuse or abuse of
3377 auto-injectors. A school district, county health department,
3378 public-private partner, and their employees and volunteers shall
3379 be indemnified by the parent of a student authorized to carry an
3380 epinephrine auto-injector for any and all liability with respect
3381 to the student's use of an epinephrine auto-injector pursuant to
3382 this paragraph.

3383 2. A public school may purchase a supply of epinephrine
3384 auto-injectors from a wholesale distributor as defined in s.
3385 499.003 or may enter into an arrangement with a wholesale
3386 distributor or manufacturer as defined in s. 499.003 for the
3387 epinephrine auto-injectors at fair-market, free, or reduced
3388 prices for use in the event a student has an anaphylactic
3389 reaction. The epinephrine auto-injectors must be maintained in a
3390 secure location on the public school's premises. The
3391 participating school district shall adopt a protocol developed
3392 by a licensed physician for the administration by school
3393 personnel who are trained to recognize an anaphylactic reaction

24-01080A-18

20181594__

3394 and to administer an epinephrine auto-injection. The supply of
3395 epinephrine auto-injectors may be provided to and used by a
3396 student authorized to self-administer epinephrine by auto-
3397 injector under subparagraph 1. or trained school personnel.

3398 3. The school district and its employees, agents, and the
3399 physician who provides the standing protocol for school
3400 epinephrine auto-injectors are not liable for any injury arising
3401 from the use of an epinephrine auto-injector administered by
3402 trained school personnel who follow the adopted protocol and
3403 whose professional opinion is that the student is having an
3404 anaphylactic reaction:

3405 a. Unless the trained school personnel's action is willful
3406 and wanton;

3407 b. Notwithstanding that the parents or guardians of the
3408 student to whom the epinephrine is administered have not been
3409 provided notice or have not signed a statement acknowledging
3410 that the school district is not liable; and

3411 c. Regardless of whether authorization has been given by
3412 the student's parents or guardians or by the student's
3413 physician, physician's assistant, or advanced practice
3414 registered nurse ~~advanced registered nurse practitioner~~.

3415 Section 88. Paragraph (b) of subsection (17) of section
3416 1002.42, Florida Statutes, is amended to read:

3417 1002.42 Private schools.—

3418 (17) EPINEPHRINE SUPPLY.—

3419 (b) The private school and its employees, agents, and the
3420 physician who provides the standing protocol for school
3421 epinephrine auto-injectors are not liable for any injury arising
3422 from the use of an epinephrine auto-injector administered by

24-01080A-18

20181594__

3423 trained school personnel who follow the adopted protocol and
3424 whose professional opinion is that the student is having an
3425 anaphylactic reaction:

3426 1. Unless the trained school personnel's action is willful
3427 and wanton;

3428 2. Notwithstanding that the parents or guardians of the
3429 student to whom the epinephrine is administered have not been
3430 provided notice or have not signed a statement acknowledging
3431 that the school district is not liable; and

3432 3. Regardless of whether authorization has been given by
3433 the student's parents or guardians or by the student's
3434 physician, physician's assistant, or advanced practice
3435 registered nurse ~~advanced registered nurse practitioner~~.

3436 Section 89. Subsections (4) and (5) of section 1006.062,
3437 Florida Statutes, are amended to read:

3438 1006.062 Administration of medication and provision of
3439 medical services by district school board personnel.—

3440 (4) Nonmedical assistive personnel shall be allowed to
3441 perform health-related services upon successful completion of
3442 child-specific training by a registered nurse or advanced
3443 practice registered nurse ~~advanced registered nurse practitioner~~
3444 licensed under chapter 464, a physician licensed pursuant to
3445 chapter 458 or chapter 459, or a physician assistant licensed
3446 pursuant to chapter 458 or chapter 459. All procedures shall be
3447 monitored periodically by a nurse, advanced practice registered
3448 nurse ~~advanced registered nurse practitioner~~, physician
3449 assistant, or physician, including, but not limited to:

3450 (a) Intermittent clean catheterization.

3451 (b) Gastrostomy tube feeding.

24-01080A-18

20181594__

3452 (c) Monitoring blood glucose.
3453 (d) Administering emergency injectable medication.
3454 (5) For all other invasive medical services not listed in
3455 this subsection, a registered nurse or advanced practice
3456 registered nurse ~~advanced registered nurse practitioner~~ licensed
3457 under chapter 464, a physician licensed pursuant to chapter 458
3458 or chapter 459, or a physician assistant licensed pursuant to
3459 chapter 458 or chapter 459 shall determine if nonmedical
3460 district school board personnel shall be allowed to perform such
3461 service.

3462 Section 90. Subsection (1) and paragraph (a) of subsection
3463 (2) of section 1009.65, Florida Statutes, are amended to read:
3464 1009.65 Medical Education Reimbursement and Loan Repayment
3465 Program.—

3466 (1) To encourage qualified medical professionals to
3467 practice in underserved locations where there are shortages of
3468 such personnel, there is established the Medical Education
3469 Reimbursement and Loan Repayment Program. The function of the
3470 program is to make payments that offset loans and educational
3471 expenses incurred by students for studies leading to a medical
3472 or nursing degree, medical or nursing licensure, or advanced
3473 practice registered nurse ~~advanced registered nurse practitioner~~
3474 certification or physician assistant licensure. The following
3475 licensed or certified health care professionals are eligible to
3476 participate in this program: medical doctors with primary care
3477 specialties, doctors of osteopathic medicine with primary care
3478 specialties, physician's assistants, licensed practical nurses
3479 and registered nurses, and advanced practice registered nurses
3480 ~~advanced registered nurse practitioners~~ with primary care

24-01080A-18

20181594__

3481 specialties such as certified nurse midwives. Primary care
3482 medical specialties for physicians include obstetrics,
3483 gynecology, general and family practice, internal medicine,
3484 pediatrics, and other specialties which may be identified by the
3485 Department of Health.

3486 (2) From the funds available, the Department of Health
3487 shall make payments to selected medical professionals as
3488 follows:

3489 (a) Up to \$4,000 per year for licensed practical nurses and
3490 registered nurses, up to \$10,000 per year for advanced practice
3491 registered nurses ~~advanced registered nurse practitioners~~ and
3492 physician's assistants, and up to \$20,000 per year for
3493 physicians. Penalties for noncompliance shall be the same as
3494 those in the National Health Services Corps Loan Repayment
3495 Program. Educational expenses include costs for tuition,
3496 matriculation, registration, books, laboratory and other fees,
3497 other educational costs, and reasonable living expenses as
3498 determined by the Department of Health.

3499 Section 91. Subsection (2) of section 1009.66, Florida
3500 Statutes, is amended to read:

3501 1009.66 Nursing Student Loan Forgiveness Program.—

3502 (2) To be eligible, a candidate must have graduated from an
3503 accredited or approved nursing program and have received a
3504 Florida license as a licensed practical nurse or a registered
3505 nurse or a Florida certificate as an advanced practice
3506 registered nurse ~~advanced registered nurse practitioner~~.

3507 Section 92. Subsection (3) of section 1009.67, Florida
3508 Statutes, is amended to read:

3509 1009.67 Nursing scholarship program.—

24-01080A-18

20181594__

3510 (3) A scholarship may be awarded for no more than 2 years,
3511 in an amount not to exceed \$8,000 per year. However, registered
3512 nurses pursuing a graduate degree for a faculty position or to
3513 practice as an advanced practice registered nurse ~~advanced~~
3514 ~~registered nurse practitioner~~ may receive up to \$12,000 per
3515 year. These amounts shall be adjusted by the amount of increase
3516 or decrease in the Consumer Price Index for All Urban Consumers
3517 published by the United States Department of Commerce.

3518 Section 93. This act shall take effect July 1, 2018.