

By the Committee on Health Policy; and Senator Brandes

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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", "clinical nurse specialist" and
6 "clinical nurse specialist practice," to conform to
7 changes made by the act; repealing s. 464.0115, F.S.,
8 relating to the certification of clinical nurse
9 specialists; amending s. 464.012, F.S.; requiring any
10 nurse desiring to be licensed as an advanced practice
11 registered nurse to apply to the Department of Health,
12 submit proof that he or she holds a current license to
13 practice professional nursing, and meet one or more
14 specified requirements as determined by the Board of
15 Nursing; authorizing the board to adopt rules to
16 provide for provisional state licensure of certified
17 nurse midwives, certified nurse practitioners,
18 certified registered nurse anesthetists, clinical
19 nurse specialists, and psychiatric nurses for a
20 specified period of time; requiring the department and
21 the board to establish a transition process for
22 converting certain certified practitioners to licensed
23 practitioners; authorizing certain certified
24 practitioners to continue practicing advanced nursing
25 during a specified period of time; providing
26 construction; providing an expiration date for
27 provisions relating to the transition from
28 certification to licensure; conforming provisions to
29 changes made by the act; amending s. 960.28, F.S.;

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30 conforming a cross-reference; amending ss. 39.303,
 31 39.304, 90.503, 110.12315, 121.0515, 252.515, 310.071,
 32 310.073, 310.081, 320.0848, 381.00315, 381.00593,
 33 383.14, 383.141, 384.27, 390.0111, 390.012, 394.455,
 34 395.0191, 397.311, 397.4012, 397.427, 397.679,
 35 397.6793, 400.021, 400.462, 400.487, 400.506,
 36 400.9973, 400.9974, 400.9976, 400.9979, 401.445,
 37 409.905, 409.908, 409.973, 429.918, 456.0391,
 38 456.0392, 456.041, 456.048, 456.072, 456.44, 458.3265,
 39 458.331, 458.348, 459.0137, 459.015, 459.025, 464.003,
 40 464.004, 464.013, 464.015, 464.016, 464.018, 464.0205,
 41 467.003, 480.0475, 483.041, 483.801, 486.021, 490.012,
 42 491.0057, 491.012, 493.6108, 627.357, 627.6471,
 43 627.6472, 627.736, 633.412, 641.3923, 766.103,
 44 766.1115, 766.1116, 766.118, 794.08, 893.02, 893.05,
 45 943.13, 948.03, 1002.20, 1002.42, 1006.062, 1009.65,
 46 1009.66, and 1009.67, F.S.; conforming provisions to
 47 changes made by the act; providing an effective date.
 48

49 Be It Enacted by the Legislature of the State of Florida:
 50

51 Section 1. Subsections (3), (6), and (7) of section
 52 464.003, Florida Statutes, are amended, and subsections (8)
 53 through (23) are redesignated as subsections (6) through (21),
 54 respectively, to read:

55 464.003 Definitions.—As used in this part, the term:

56 (3) "Advanced practice registered nurse" ~~"Advanced~~
 57 ~~registered nurse practitioner"~~ means any person licensed in this
 58 state to practice professional nursing and who is licensed

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59 ~~certified in an advanced or specialized~~ nursing practice,
60 including certified nurse midwives, certified nurse
61 practitioners, certified registered nurse anesthetists, clinical
62 nurse specialists ~~certified nurse midwives,~~ and psychiatric
63 nurses ~~nurse practitioners.~~

64 ~~(6) "Clinical nurse specialist" means any person licensed~~
65 ~~in this state to practice professional nursing and certified in~~
66 ~~clinical nurse specialist practice.~~

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

70 ~~(a) Assess the health status of individuals and families~~
71 ~~using methods appropriate to the population and area of~~
72 ~~practice.~~

73 ~~(b) Diagnose human responses to actual or potential health~~
74 ~~problems.~~

75 ~~(c) Plan for health promotion, disease prevention, and~~
76 ~~therapeutic intervention in collaboration with the patient or~~
77 ~~client.~~

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

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

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

86 Section 3. Section 464.012, Florida Statutes, as amended by
87 section 3 of chapter 2017-134, Laws of Florida, is amended to

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88 read:

89 464.012 Licensure Certification of advanced practice
90 registered nurses ~~advanced registered nurse practitioners~~; fees;
91 controlled substance prescribing.-

92 (1) Any nurse desiring to be licensed ~~certified~~ as an
93 advanced practice registered nurse ~~must advanced registered~~
94 ~~nurse practitioner~~ shall apply to the department and submit
95 proof that he or she holds a current license to practice
96 professional nursing or holds an active multistate license to
97 practice professional nursing pursuant to s. 464.0095 and that
98 he or she meets one or more of the following requirements as
99 determined by the board:

100 (a) Certification by an appropriate specialty board. Such
101 certification ~~is~~ ~~shall be~~ required for initial state licensure
102 ~~certification~~ and any licensure renewal ~~recertification~~ as a
103 certified nurse midwife, certified nurse practitioner, certified
104 registered nurse anesthetist, clinical nurse specialist, or
105 psychiatric nurse, ~~or nurse midwife~~. The board may by rule
106 provide for provisional state licensure ~~certification~~ of
107 graduate certified registered nurse anesthetists, clinical nurse
108 specialists, certified nurse practitioners, psychiatric nurses,
109 and certified nurse midwives for a period of time determined to
110 be appropriate for preparing for and passing the national
111 certification examination.

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

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117 certified nurse practitioner under paragraph (4) (a) ~~(4) (e)~~.

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

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

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

131 (2) (a) The board shall provide by rule the appropriate
132 requirements for advanced practice registered nurses for
133 ~~advanced registered nurse practitioners in the~~ advanced nursing
134 practices categories of certified nurse midwives, certified
135 nurse practitioners, certified registered nurse anesthetists
136 anesthetist, clinical ~~certified~~ nurse specialists ~~midwife,~~ and
137 psychiatric nurses ~~nurse practitioner~~.

138 (3) An advanced practice registered nurse ~~advanced~~
139 ~~registered nurse practitioner~~ shall perform those functions
140 authorized in this section within the framework of an
141 established protocol that ~~which~~ must be maintained on site at
142 the location or locations at which an advanced practice
143 registered nurse ~~advanced registered nurse practitioner~~
144 practices. In the case of multiple supervising physicians in the
145 same group, an advanced practice registered nurse ~~advanced~~

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146 ~~registered nurse practitioner~~ must enter into a supervisory
147 protocol with at least one physician within the physician group
148 practice. A practitioner currently licensed under chapter 458,
149 chapter 459, or chapter 466 shall maintain supervision for
150 directing the specific course of medical treatment. Within the
151 established framework, an advanced practice registered nurse
152 ~~advanced registered nurse practitioner~~ may:

153 (a) Prescribe, dispense, administer, or order any drug;
154 however, an advanced practice registered nurse ~~advanced~~
155 ~~registered nurse practitioner~~ may prescribe or dispense a
156 controlled substance as defined in s. 893.03 only if the
157 advanced practice registered nurse ~~advanced registered nurse~~
158 ~~practitioner~~ has graduated from a program leading to a master's
159 or doctoral degree in a clinical nursing specialty area with
160 training in specialized practitioner skills.

161 (b) Initiate appropriate therapies for certain conditions.

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

164 (d) Order diagnostic tests and physical and occupational
165 therapy.

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

169 (4) In addition to the general functions specified in
170 subsection (3), an advanced practice registered nurse ~~advanced~~
171 ~~registered nurse practitioner~~ may perform the following acts
172 within his or her specialty:

173 (a) The certified nurse practitioner may perform any or all
174 of the following acts within the framework of established

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175 protocol:176 1. Manage selected medical problems.177 2. Order physical and occupational therapy.178 3. Initiate, monitor, or alter therapies for certain
179 uncomplicated acute illnesses.180 4. Monitor and manage patients with stable chronic
181 diseases.182 5. Establish behavioral problems and diagnosis and make
183 treatment recommendations.184 (b)-(a) The certified registered nurse anesthetist may, to
185 the extent authorized by established protocol approved by the
186 medical staff of the facility in which the anesthetic service is
187 performed, perform any or all of the following:188 1. Determine the health status of the patient as it relates
189 to the risk factors and to the anesthetic management of the
190 patient through the performance of the general functions.191 2. Based on history, physical assessment, and supplemental
192 laboratory results, determine, with the consent of the
193 responsible physician, the appropriate type of anesthesia within
194 the framework of the protocol.

195 3. Order under the protocol preanesthetic medication.

196 4. Perform under the protocol procedures commonly used to
197 render the patient insensible to pain during the performance of
198 surgical, obstetrical, therapeutic, or diagnostic clinical
199 procedures. These procedures include ordering and administering
200 regional, spinal, and general anesthesia; inhalation agents and
201 techniques; intravenous agents and techniques; and techniques of
202 hypnosis.

203 5. Order or perform monitoring procedures indicated as

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204 pertinent to the anesthetic health care management of the
205 patient.

206 6. Support life functions during anesthesia health care,
207 including induction and intubation procedures, the use of
208 appropriate mechanical supportive devices, and the management of
209 fluid, electrolyte, and blood component balances.

210 7. Recognize and take appropriate corrective action for
211 abnormal patient responses to anesthesia, adjunctive medication,
212 or other forms of therapy.

213 8. Recognize and treat a cardiac arrhythmia while the
214 patient is under anesthetic care.

215 9. Participate in management of the patient while in the
216 postanesthesia recovery area, including ordering the
217 administration of fluids and drugs.

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

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

226 1. Perform superficial minor surgical procedures.

227 2. Manage the patient during labor and delivery to include
228 amniotomy, episiotomy, and repair.

229 3. Order, initiate, and perform appropriate anesthetic
230 procedures.

231 4. Perform postpartum examination.

232 5. Order appropriate medications.

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

234 7. Manage the medical care of the normal obstetrical
235 patient and the initial care of a newborn patient.

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

238 ~~1. Manage selected medical problems.~~

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

240 ~~3. Initiate, monitor, or alter therapies for certain~~
241 ~~uncomplicated acute illnesses.~~

242 ~~4. Monitor and manage patients with stable chronic~~
243 ~~diseases.~~

244 ~~5. Establish behavioral problems and diagnosis and make~~
245 ~~treatment recommendations.~~

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

248 1. Assess the health status of individuals and families
249 using methods appropriate to the population and area of
250 practice.

251 2. Diagnose human responses to actual or potential health
252 problems.

253 3. Plan for health promotion, disease prevention, and
254 therapeutic intervention in collaboration with the patient or
255 client.

256 4. Implement therapeutic interventions based on the nurse
257 specialist's area of expertise and within the scope of advanced
258 nursing practice, including, but not limited to, direct nursing
259 care, counseling, teaching, and collaboration with other
260 licensed health care providers.

261 5. Coordinate health care as necessary and appropriate and

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262 evaluate with the patient or client the effectiveness of care.

263 (e)~~(5)~~ A psychiatric nurse, who meets the requirements in
264 s. 394.555(35) ~~as defined in s. 394.455~~, within the framework of
265 an established protocol with a psychiatrist, may prescribe
266 psychotropic controlled substances for the treatment of mental
267 disorders.

268 (5)~~(6)~~ The board shall approve for licensure ~~certify~~, and
269 the department shall issue a license ~~certificate~~ to, any nurse
270 meeting the qualifications in this section. The board shall
271 establish an application fee not to exceed \$100 and a biennial
272 renewal fee not to exceed \$50. The board is authorized to adopt
273 such other rules as are necessary to implement the provisions of
274 this section.

275 (6)~~(7)~~(a) The board shall establish a committee to
276 recommend a formulary of controlled substances that an advanced
277 practice registered nurse ~~advanced registered nurse practitioner~~
278 may not prescribe or may prescribe only for specific uses or in
279 limited quantities. The committee must consist of three advanced
280 practice registered nurses ~~advanced registered nurse~~
281 ~~practitioners~~ licensed under this section, recommended by the
282 board; three physicians licensed under chapter 458 or chapter
283 459 who have work experience with advanced practice registered
284 nurses ~~advanced registered nurse practitioners~~, recommended by
285 the Board of Medicine; and a pharmacist licensed under chapter
286 465 who is a doctor of pharmacy, recommended by the Board of
287 Pharmacy. The committee may recommend an evidence-based
288 formulary applicable to all advanced practice registered nurses
289 ~~advanced registered nurse practitioners~~ which is limited by
290 specialty certification, is limited to approved uses of

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291 controlled substances, or is subject to other similar
292 restrictions the committee finds are necessary to protect the
293 health, safety, and welfare of the public. The formulary must
294 restrict the prescribing of psychiatric mental health controlled
295 substances for children younger than 18 years of age to advanced
296 practice registered nurses ~~advanced registered nurse~~
297 ~~practitioners~~ who also are psychiatric nurses as defined in s.
298 394.455. The formulary must also limit the prescribing of
299 Schedule II controlled substances as listed in s. 893.03 to a 7-
300 day supply, except that such restriction does not apply to
301 controlled substances that are psychiatric medications
302 prescribed by psychiatric nurses as defined in s. 394.455.

303 (b) The board shall adopt by rule the recommended formulary
304 and any revision to the formulary which it finds is supported by
305 evidence-based clinical findings presented by the Board of
306 Medicine, the Board of Osteopathic Medicine, or the Board of
307 Dentistry.

308 (c) The formulary required under this subsection does not
309 apply to a controlled substance that is dispensed for
310 administration pursuant to an order, including an order for
311 medication authorized by subparagraph (4) (b) 3., subparagraph
312 (4) (b) 4., or subparagraph (4) (b) 9 ~~subparagraph (4) (a) 3.,~~
313 ~~subparagraph (4) (a) 4., or subparagraph (4) (a) 9.~~

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

316 (7) ~~(8)~~ This section shall be known as "The Barbara Lumpkin
317 Prescribing Act."

318 (8) The department and board shall establish a transition
319 timeline and process for practitioners certified as of September

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320 30, 2018, as advanced registered nurse practitioners or clinical
321 nurse specialists, to convert a certificate in good standing to
322 a license that becomes effective on October 1, 2018, to practice
323 as an advanced practice registered nurse. An advanced registered
324 nurse practitioner or a clinical nurse specialist holding a
325 certificate to practice in good standing on September 30, 2018,
326 may continue to practice with all rights, authorizations, and
327 responsibilities authorized under this section for licensure as
328 an advanced practice registered nurse and may use the applicable
329 title under s. 464.015 after the effective date of this act
330 while the department and board complete the transition from
331 certification to licensure, as established under this act. This
332 subsection may not be construed to limit or restrict the
333 department's or board's disciplinary authority or enforcement
334 responsibilities for safe nursing practice. This subsection
335 expires on October 1, 2020.

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

338 960.28 Payment for victims' initial forensic physical
339 examinations.-

340 (2) The Crime Victims' Services Office of the department
341 shall pay for medical expenses connected with an initial
342 forensic physical examination of a victim of sexual battery as
343 defined in chapter 794 or a lewd or lascivious offense as
344 defined in chapter 800. Such payment shall be made regardless of
345 whether the victim is covered by health or disability insurance
346 and whether the victim participates in the criminal justice
347 system or cooperates with law enforcement. The payment shall be
348 made only out of moneys allocated to the Crime Victims' Services

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349 Office for the purposes of this section, and the payment may not
350 exceed \$500 with respect to any violation. The department shall
351 develop and maintain separate protocols for the initial forensic
352 physical examination of adults and children. Payment under this
353 section is limited to medical expenses connected with the
354 initial forensic physical examination, and payment may be made
355 to a medical provider using an examiner qualified under part I
356 of chapter 464, excluding s. 464.003(14) ~~s. 464.003(16)~~; chapter
357 458; or chapter 459. Payment made to the medical provider by the
358 department shall be considered by the provider as payment in
359 full for the initial forensic physical examination associated
360 with the collection of evidence. The victim may not be required
361 to pay, directly or indirectly, the cost of an initial forensic
362 physical examination performed in accordance with this section.

363 Section 5. Paragraph (c) of subsection (5) and paragraph
364 (a) of subsection (6) of section 39.303, Florida Statutes, are
365 amended to read:

366 39.303 Child protection teams and sexual abuse treatment
367 programs; services; eligible cases.—

368 (5) All abuse and neglect cases transmitted for
369 investigation to a circuit by the hotline must be simultaneously
370 transmitted to the child protection team for review. For the
371 purpose of determining whether a face-to-face medical evaluation
372 by a child protection team is necessary, all cases transmitted
373 to the child protection team which meet the criteria in
374 subsection (4) must be timely reviewed by:

375 (c) An advanced practice registered nurse ~~advanced~~
376 ~~registered nurse practitioner~~ licensed under chapter 464 who has
377 a specialty in pediatrics or family medicine and is a member of

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378 a child protection team;

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

381 (a) The child was examined for the alleged abuse or neglect
382 by a physician who is not a member of the child protection team,
383 and a consultation between the child protection team medical
384 director or a child protection team board-certified
385 pediatrician, advanced practice registered nurse ~~advanced~~
386 ~~registered nurse practitioner~~, physician assistant working under
387 the supervision of a child protection team medical director or a
388 child protection team board-certified pediatrician, or
389 registered nurse working under the direct supervision of a child
390 protection team medical director or a child protection team
391 board-certified pediatrician, and the examining physician
392 concludes that a further medical evaluation is unnecessary;

393
394 Notwithstanding paragraphs (a), (b), and (c), a child protection
395 team medical director or a child protection team pediatrician,
396 as authorized in subsection (5), may determine that a face-to-
397 face medical evaluation is necessary.

398 Section 6. Paragraph (b) of subsection (1) of section
399 39.304, Florida Statutes, is amended to read:

400 39.304 Photographs, medical examinations, X rays, and
401 medical treatment of abused, abandoned, or neglected child.—

402 (1)

403 (b) If the areas of trauma visible on a child indicate a
404 need for a medical examination, or if the child verbally
405 complains or otherwise exhibits distress as a result of injury
406 through suspected child abuse, abandonment, or neglect, or is

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407 alleged to have been sexually abused, the person required to
408 investigate may cause the child to be referred for diagnosis to
409 a licensed physician or an emergency department in a hospital
410 without the consent of the child's parents or legal custodian.
411 Such examination may be performed by any licensed physician or
412 an advanced practice registered nurse ~~advanced registered nurse~~
413 ~~practitioner~~ licensed pursuant to part I of chapter 464. Any
414 licensed physician~~7~~ or advanced practice registered nurse
415 ~~advanced registered nurse practitioner~~ licensed pursuant to part
416 I of chapter 464~~7~~ who has reasonable cause to suspect that an
417 injury was the result of child abuse, abandonment, or neglect
418 may authorize a radiological examination to be performed on the
419 child without the consent of the child's parent or legal
420 custodian.

421 Section 7. Paragraph (a) of subsection (1) of section
422 90.503, Florida Statutes, is amended to read:

423 90.503 Psychotherapist-patient privilege.-

424 (1) For purposes of this section:

425 (a) A "psychotherapist" is:

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

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

434 3. A person licensed or certified as a clinical social
435 worker, marriage and family therapist, or mental health

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436 counselor under the laws of this state, who is engaged primarily
437 in the diagnosis or treatment of a mental or emotional
438 condition, including alcoholism and other drug addiction;

439 4. Treatment personnel of facilities licensed by the state
440 pursuant to chapter 394, chapter 395, or chapter 397, of
441 facilities designated by the Department of Children and Families
442 pursuant to chapter 394 as treatment facilities, or of
443 facilities defined as community mental health centers pursuant
444 to s. 394.907(1), who are engaged primarily in the diagnosis or
445 treatment of a mental or emotional condition, including
446 alcoholism and other drug addiction; or

447 5. An advanced practice registered nurse licensed ~~advanced~~
448 ~~registered nurse practitioner certified~~ under s. 464.012, whose
449 primary scope of practice is the diagnosis or treatment of
450 mental or emotional conditions, including chemical abuse, and
451 limited only to actions performed in accordance with part I of
452 chapter 464.

453 Section 8. Paragraph (d) of subsection (2) of section
454 110.12315, Florida Statutes, is amended to read:

455 110.12315 Prescription drug program.—The state employees'
456 prescription drug program is established. This program shall be
457 administered by the Department of Management Services, according
458 to the terms and conditions of the plan as established by the
459 relevant provisions of the annual General Appropriations Act and
460 implementing legislation, subject to the following conditions:

461 (2) In providing for reimbursement of pharmacies for
462 prescription drugs and supplies dispensed to members of the
463 state group health insurance plan and their dependents under the
464 state employees' prescription drug program:

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465 (d) The department shall establish the reimbursement
466 schedule for prescription drugs and supplies dispensed under the
467 program. Reimbursement rates for a prescription drug or supply
468 must be based on the cost of the generic equivalent drug or
469 supply if a generic equivalent exists, unless the physician,
470 advanced practice registered nurse ~~advanced registered nurse~~
471 ~~practitioner~~, or physician assistant prescribing the drug or
472 supply clearly states on the prescription that the brand name
473 drug or supply is medically necessary or that the drug or supply
474 is included on the formulary of drugs and supplies that may not
475 be interchanged as provided in chapter 465, in which case
476 reimbursement must be based on the cost of the brand name drug
477 or supply as specified in the reimbursement schedule adopted by
478 the department.

479 Section 9. Paragraph (f) of subsection (3) of section
480 121.0515, Florida Statutes, is amended to read:

481 121.0515 Special Risk Class.—

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

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

- 489 1. Dietitian (class codes 5203 and 5204);
- 490 2. Public health nutrition consultant (class code 5224);
- 491 3. Psychological specialist (class codes 5230 and 5231);
- 492 4. Psychologist (class code 5234);
- 493 5. Senior psychologist (class codes 5237 and 5238);

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494 6. Regional mental health consultant (class code 5240);
 495 7. Psychological Services Director—DCF (class code 5242);
 496 8. Pharmacist (class codes 5245 and 5246);
 497 9. Senior pharmacist (class codes 5248 and 5249);
 498 10. Dentist (class code 5266);
 499 11. Senior dentist (class code 5269);
 500 12. Registered nurse (class codes 5290 and 5291);
 501 13. Senior registered nurse (class codes 5292 and 5293);
 502 14. Registered nurse specialist (class codes 5294 and
 503 5295);
 504 15. Clinical associate (class codes 5298 and 5299);
 505 16. Advanced practice registered nurse ~~Advanced registered~~
 506 ~~nurse practitioner~~ (class codes 5297 and 5300);
 507 17. Advanced practice registered nurse ~~Advanced registered~~
 508 ~~nurse practitioner~~ specialist (class codes 5304 and 5305);
 509 18. Registered nurse supervisor (class codes 5306 and
 510 5307);
 511 19. Senior registered nurse supervisor (class codes 5308
 512 and 5309);
 513 20. Registered nursing consultant (class codes 5312 and
 514 5313);
 515 21. Quality management program supervisor (class code
 516 5314);
 517 22. Executive nursing director (class codes 5320 and 5321);
 518 23. Speech and hearing therapist (class code 5406); or
 519 24. Pharmacy manager (class code 5251);
 520 Section 10. Paragraph (a) of subsection (3) of section
 521 252.515, Florida Statutes, is amended to read:
 522 252.515 Postdisaster Relief Assistance Act; immunity from

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523 civil liability.—

524 (3) As used in this section, the term:

525 (a) "Emergency first responder" means:

526 1. A physician licensed under chapter 458.

527 2. An osteopathic physician licensed under chapter 459.

528 3. A chiropractic physician licensed under chapter 460.

529 4. A podiatric physician licensed under chapter 461.

530 5. A dentist licensed under chapter 466.

531 6. An advanced practice registered nurse licensed ~~advanced~~
532 ~~registered nurse practitioner certified~~ under s. 464.012.

533 7. A physician assistant licensed under s. 458.347 or s.
534 459.022.

535 8. A worker employed by a public or private hospital in the
536 state.

537 9. A paramedic as defined in s. 401.23(17).

538 10. An emergency medical technician as defined in s.
539 401.23(11).

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

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

542 13. A member of the Florida National Guard.

543 14. Any other personnel designated as emergency personnel
544 by the Governor pursuant to a declared emergency.

545 Section 11. Paragraph (c) of subsection (1) of section
546 310.071, Florida Statutes, is amended to read:

547 310.071 Deputy pilot certification.—

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

551 (c) Be in good physical and mental health, as evidenced by

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552 documentary proof of having satisfactorily passed a complete
553 physical examination administered by a licensed physician within
554 the preceding 6 months. The board shall adopt rules to establish
555 requirements for passing the physical examination, which rules
556 shall establish minimum standards for the physical or mental
557 capabilities necessary to carry out the professional duties of a
558 certificated deputy pilot. Such standards shall include zero
559 tolerance for any controlled substance regulated under chapter
560 893 unless that individual is under the care of a physician, an
561 advanced practice registered nurse ~~advanced registered nurse~~
562 ~~practitioner~~, or a physician assistant and that controlled
563 substance was prescribed by that physician, advanced practice
564 registered nurse ~~advanced registered nurse practitioner~~, or
565 physician assistant. To maintain eligibility as a certificated
566 deputy pilot, each certificated deputy pilot must annually
567 provide documentary proof of having satisfactorily passed a
568 complete physical examination administered by a licensed
569 physician. The physician must know the minimum standards and
570 certify that the certificateholder satisfactorily meets the
571 standards. The standards for certificateholders shall include a
572 drug test.

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

575 310.073 State pilot licensing.—In addition to meeting other
576 requirements specified in this chapter, each applicant for
577 license as a state pilot must:

578 (3) Be in good physical and mental health, as evidenced by
579 documentary proof of having satisfactorily passed a complete
580 physical examination administered by a licensed physician within

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581 the preceding 6 months. The board shall adopt rules to establish
582 requirements for passing the physical examination, which rules
583 shall establish minimum standards for the physical or mental
584 capabilities necessary to carry out the professional duties of a
585 licensed state pilot. Such standards shall include zero
586 tolerance for any controlled substance regulated under chapter
587 893 unless that individual is under the care of a physician, an
588 advanced practice registered nurse ~~advanced registered nurse~~
589 ~~practitioner~~, or a physician assistant and that controlled
590 substance was prescribed by that physician, advanced practice
591 registered nurse ~~advanced registered nurse practitioner~~, or
592 physician assistant. To maintain eligibility as a licensed state
593 pilot, each licensed state pilot must annually provide
594 documentary proof of having satisfactorily passed a complete
595 physical examination administered by a licensed physician. The
596 physician must know the minimum standards and certify that the
597 licensee satisfactorily meets the standards. The standards for
598 licensees shall include a drug test.

599 Section 13. Paragraph (b) of subsection (3) of section
600 310.081, Florida Statutes, is amended to read:

601 310.081 Department to examine and license state pilots and
602 certificate deputy pilots; vacancies.-

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

605 (b) Are in good physical and mental health as evidenced by
606 documentary proof of having satisfactorily passed a physical
607 examination administered by a licensed physician or physician
608 assistant within each calendar year. The board shall adopt rules
609 to establish requirements for passing the physical examination,

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610 which rules shall establish minimum standards for the physical
611 or mental capabilities necessary to carry out the professional
612 duties of a licensed state pilot or a certificated deputy pilot.
613 Such standards shall include zero tolerance for any controlled
614 substance regulated under chapter 893 unless that individual is
615 under the care of a physician, an advanced practice registered
616 nurse ~~advanced registered nurse practitioner~~, or a physician
617 assistant and that controlled substance was prescribed by that
618 physician, advanced practice registered nurse ~~advanced~~
619 ~~registered nurse practitioner~~, or physician assistant. To
620 maintain eligibility as a certificated deputy pilot or licensed
621 state pilot, each certificated deputy pilot or licensed state
622 pilot must annually provide documentary proof of having
623 satisfactorily passed a complete physical examination
624 administered by a licensed physician. The physician must know
625 the minimum standards and certify that the certificateholder or
626 licensee satisfactorily meets the standards. The standards for
627 certificateholders and for licensees shall include a drug test.

628
629 Upon resignation or in the case of disability permanently
630 affecting a pilot's ability to serve, the state license or
631 certificate issued under this chapter shall be revoked by the
632 department.

633 Section 14. Paragraph (b) of subsection (1) of section
634 320.0848, Florida Statutes, is amended to read:

635 320.0848 Persons who have disabilities; issuance of
636 disabled parking permits; temporary permits; permits for certain
637 providers of transportation services to persons who have
638 disabilities.-

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

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

b. The need to permanently use a wheelchair.

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

d. Use of portable oxygen.

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

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

2. The certification of disability which is required under subparagraph 1. must be provided by a physician licensed under chapter 458, chapter 459, or chapter 460, by a podiatric physician licensed under chapter 461, by an optometrist licensed

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668 under chapter 463, by an advanced practice registered nurse
669 ~~advanced registered nurse practitioner~~ licensed under chapter
670 464 under the protocol of a licensed physician as stated in this
671 subparagraph, by a physician assistant licensed under chapter
672 458 or chapter 459, or by a similarly licensed physician from
673 another state if the application is accompanied by documentation
674 of the physician's licensure in the other state and a form
675 signed by the out-of-state physician verifying his or her
676 knowledge of this state's eligibility guidelines.

677 Section 15. Paragraph (c) of subsection (1) of section
678 381.00315, Florida Statutes, is amended to read:

679 381.00315 Public health advisories; public health
680 emergencies; isolation and quarantines.—The State Health Officer
681 is responsible for declaring public health emergencies, issuing
682 public health advisories, and ordering isolation or quarantines.

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

684 (c) "Public health emergency" means any occurrence, or
685 threat thereof, whether natural or manmade, which results or may
686 result in substantial injury or harm to the public health from
687 infectious disease, chemical agents, nuclear agents, biological
688 toxins, or situations involving mass casualties or natural
689 disasters. Before declaring a public health emergency, the State
690 Health Officer shall, to the extent possible, consult with the
691 Governor and shall notify the Chief of Domestic Security. The
692 declaration of a public health emergency shall continue until
693 the State Health Officer finds that the threat or danger has
694 been dealt with to the extent that the emergency conditions no
695 longer exist and he or she terminates the declaration. However,
696 a declaration of a public health emergency may not continue for

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697 longer than 60 days unless the Governor concurs in the renewal
698 of the declaration. The State Health Officer, upon declaration
699 of a public health emergency, may take actions that are
700 necessary to protect the public health. Such actions include,
701 but are not limited to:

702 1. Directing manufacturers of prescription drugs or over-
703 the-counter drugs who are permitted under chapter 499 and
704 wholesalers of prescription drugs located in this state who are
705 permitted under chapter 499 to give priority to the shipping of
706 specified drugs to pharmacies and health care providers within
707 geographic areas that have been identified by the State Health
708 Officer. The State Health Officer must identify the drugs to be
709 shipped. Manufacturers and wholesalers located in the state must
710 respond to the State Health Officer's priority shipping
711 directive before shipping the specified drugs.

712 2. Notwithstanding chapters 465 and 499 and rules adopted
713 thereunder, directing pharmacists employed by the department to
714 compound bulk prescription drugs and provide these bulk
715 prescription drugs to physicians and nurses of county health
716 departments or any qualified person authorized by the State
717 Health Officer for administration to persons as part of a
718 prophylactic or treatment regimen.

719 3. Notwithstanding s. 456.036, temporarily reactivating the
720 inactive license of the following health care practitioners,
721 when such practitioners are needed to respond to the public
722 health emergency: physicians licensed under chapter 458 or
723 chapter 459; physician assistants licensed under chapter 458 or
724 chapter 459; licensed practical nurses, registered nurses, and
725 advanced practice registered nurses ~~advanced registered nurse~~

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726 ~~practitioners~~ licensed under part I of chapter 464; respiratory
727 therapists licensed under part V of chapter 468; and emergency
728 medical technicians and paramedics certified under part III of
729 chapter 401. Only those health care practitioners specified in
730 this paragraph who possess an unencumbered inactive license and
731 who request that such license be reactivated are eligible for
732 reactivation. An inactive license that is reactivated under this
733 paragraph shall return to inactive status when the public health
734 emergency ends or before the end of the public health emergency
735 if the State Health Officer determines that the health care
736 practitioner is no longer needed to provide services during the
737 public health emergency. Such licenses may only be reactivated
738 for a period not to exceed 90 days without meeting the
739 requirements of s. 456.036 or chapter 401, as applicable.

740 4. Ordering an individual to be examined, tested,
741 vaccinated, treated, isolated, or quarantined for communicable
742 diseases that have significant morbidity or mortality and
743 present a severe danger to public health. Individuals who are
744 unable or unwilling to be examined, tested, vaccinated, or
745 treated for reasons of health, religion, or conscience may be
746 subjected to isolation or quarantine.

747 a. Examination, testing, vaccination, or treatment may be
748 performed by any qualified person authorized by the State Health
749 Officer.

750 b. If the individual poses a danger to the public health,
751 the State Health Officer may subject the individual to isolation
752 or quarantine. If there is no practical method to isolate or
753 quarantine the individual, the State Health Officer may use any
754 means necessary to vaccinate or treat the individual.

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756 Any order of the State Health Officer given to effectuate this
757 paragraph shall be immediately enforceable by a law enforcement
758 officer under s. 381.0012.

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

761 381.00593 Public school volunteer health care practitioner
762 program.—

763 (3) For purposes of this section, the term "health care
764 practitioner" means a physician licensed under chapter 458; an
765 osteopathic physician licensed under chapter 459; a chiropractic
766 physician licensed under chapter 460; a podiatric physician
767 licensed under chapter 461; an optometrist licensed under
768 chapter 463; an advanced practice registered nurse ~~advanced~~
769 ~~registered nurse practitioner~~, registered nurse, or licensed
770 practical nurse licensed under part I of chapter 464; a
771 pharmacist licensed under chapter 465; a dentist or dental
772 hygienist licensed under chapter 466; a midwife licensed under
773 chapter 467; a speech-language pathologist or audiologist
774 licensed under part I of chapter 468; a dietitian/nutritionist
775 licensed under part X of chapter 468; or a physical therapist
776 licensed under chapter 486.

777 Section 17. Paragraph (c) of subsection (1) of section
778 383.14, Florida Statutes, is amended to read:

779 383.14 Screening for metabolic disorders, other hereditary
780 and congenital disorders, and environmental risk factors.—

781 (1) SCREENING REQUIREMENTS.—To help ensure access to the
782 maternal and child health care system, the Department of Health
783 shall promote the screening of all newborns born in Florida for

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784 metabolic, hereditary, and congenital disorders known to result
785 in significant impairment of health or intellect, as screening
786 programs accepted by current medical practice become available
787 and practical in the judgment of the department. The department
788 shall also promote the identification and screening of all
789 newborns in this state and their families for environmental risk
790 factors such as low income, poor education, maternal and family
791 stress, emotional instability, substance abuse, and other high-
792 risk conditions associated with increased risk of infant
793 mortality and morbidity to provide early intervention,
794 remediation, and prevention services, including, but not limited
795 to, parent support and training programs, home visitation, and
796 case management. Identification, perinatal screening, and
797 intervention efforts shall begin prior to and immediately
798 following the birth of the child by the attending health care
799 provider. Such efforts shall be conducted in hospitals,
800 perinatal centers, county health departments, school health
801 programs that provide prenatal care, and birthing centers, and
802 reported to the Office of Vital Statistics.

803 (c) *Release of screening results.*—Notwithstanding any law
804 to the contrary, the State Public Health Laboratory may release,
805 directly or through the Children's Medical Services program, the
806 results of a newborn's hearing and metabolic tests or screenings
807 to the newborn's health care practitioner, the newborn's parent
808 or legal guardian, the newborn's personal representative, or a
809 person designated by the newborn's parent or legal guardian. As
810 used in this paragraph, the term "health care practitioner"
811 means a physician or physician assistant licensed under chapter
812 458; an osteopathic physician or physician assistant licensed

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813 under chapter 459; an advanced practice registered nurse
 814 ~~advanced registered nurse practitioner~~, registered nurse, or
 815 licensed practical nurse licensed under part I of chapter 464; a
 816 midwife licensed under chapter 467; a speech-language
 817 pathologist or audiologist licensed under part I of chapter 468;
 818 or a dietician or nutritionist licensed under part X of chapter
 819 468.

820 Section 18. Paragraph (c) of subsection (1) of section
 821 383.141, Florida Statutes, is amended to read:

822 383.141 Prenatally diagnosed conditions; patient to be
 823 provided information; definitions; information clearinghouse;
 824 advisory council.—

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

826 (c) "Health care provider" means a practitioner licensed or
 827 registered under chapter 458 or chapter 459 or an advanced
 828 practice registered nurse licensed ~~advanced registered nurse~~
 829 ~~practitioner certified~~ under chapter 464.

830 Section 19. Paragraph (a) of subsection (7) of section
 831 384.27, Florida Statutes, is amended to read:

832 384.27 Physical examination and treatment.—

833 (7) (a) A health care practitioner licensed under chapter
 834 458, ~~or~~ chapter 459, ~~or certified under~~ s. 464.012 may provide
 835 expedited partner therapy if the following requirements are met:

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

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

841 3. The patient indicates that his or her partner is unable

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842 or unlikely to seek clinical services in a timely manner.

843 Section 20. Paragraph (a) of subsection (3) of section
844 390.0111, Florida Statutes, is amended to read:

845 390.0111 Termination of pregnancies.—

846 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
847 be performed or induced except with the voluntary and informed
848 written consent of the pregnant woman or, in the case of a
849 mental incompetent, the voluntary and informed written consent
850 of her court-appointed guardian.

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

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

857 a. The nature and risks of undergoing or not undergoing the
858 proposed procedure that a reasonable patient would consider
859 material to making a knowing and willful decision of whether to
860 terminate a pregnancy.

861 b. The probable gestational age of the fetus, verified by
862 an ultrasound, at the time the termination of pregnancy is to be
863 performed.

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

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

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871 hear an explanation of them. If the woman accepts the
872 opportunity to view the images and hear the explanation, a
873 physician or a registered nurse, licensed practical nurse,
874 advanced practice registered nurse ~~advanced registered nurse~~
875 ~~practitioner~~, or physician assistant working in conjunction with
876 the physician must contemporaneously review and explain the
877 images to the woman before the woman gives informed consent to
878 having an abortion procedure performed.

879 (III) The woman has a right to decline to view and hear the
880 explanation of the live ultrasound images after she is informed
881 of her right and offered an opportunity to view the images and
882 hear the explanation. If the woman declines, the woman shall
883 complete a form acknowledging that she was offered an
884 opportunity to view and hear the explanation of the images but
885 that she declined that opportunity. The form must also indicate
886 that the woman's decision was not based on any undue influence
887 from any person to discourage her from viewing the images or
888 hearing the explanation and that she declined of her own free
889 will.

890 (IV) Unless requested by the woman, the person performing
891 the ultrasound may not offer the opportunity to view the images
892 and hear the explanation and the explanation may not be given
893 if, at the time the woman schedules or arrives for her
894 appointment to obtain an abortion, a copy of a restraining
895 order, police report, medical record, or other court order or
896 documentation is presented which provides evidence that the
897 woman is obtaining the abortion because the woman is a victim of
898 rape, incest, domestic violence, or human trafficking or that
899 the woman has been diagnosed as having a condition that, on the

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900 basis of a physician's good faith clinical judgment, would
901 create a serious risk of substantial and irreversible impairment
902 of a major bodily function if the woman delayed terminating her
903 pregnancy.

904 c. The medical risks to the woman and fetus of carrying the
905 pregnancy to term.

906

907 The physician may provide the information required in this
908 subparagraph within 24 hours before the procedure if requested
909 by the woman at the time she schedules or arrives for her
910 appointment to obtain an abortion and if she presents to the
911 physician a copy of a restraining order, police report, medical
912 record, or other court order or documentation evidencing that
913 she is obtaining the abortion because she is a victim of rape,
914 incest, domestic violence, or human trafficking.

915 2. Printed materials prepared and provided by the
916 department have been provided to the pregnant woman, if she
917 chooses to view these materials, including:

918 a. A description of the fetus, including a description of
919 the various stages of development.

920 b. A list of entities that offer alternatives to
921 terminating the pregnancy.

922 c. Detailed information on the availability of medical
923 assistance benefits for prenatal care, childbirth, and neonatal
924 care.

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

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929 Nothing in this paragraph is intended to prohibit a physician
930 from providing any additional information which the physician
931 deems material to the woman's informed decision to terminate her
932 pregnancy.

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

935 390.012 Powers of agency; rules; disposal of fetal
936 remains.-

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

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

943 1. The abortion clinic designate a medical director who is
944 licensed to practice medicine in this state, and all physicians
945 who perform abortions in the clinic have admitting privileges at
946 a hospital within reasonable proximity to the clinic, unless the
947 clinic has a written patient transfer agreement with a hospital
948 within reasonable proximity to the clinic which includes the
949 transfer of the patient's medical records held by both the
950 clinic and the treating physician.

951 2. If a physician is not present after an abortion is
952 performed, a registered nurse, licensed practical nurse,
953 advanced practice registered nurse ~~advanced registered nurse~~
954 ~~practitioner~~, or physician assistant be present and remain at
955 the clinic to provide postoperative monitoring and care until
956 the patient is discharged.

957 3. Surgical assistants receive training in counseling,

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958 patient advocacy, and the specific responsibilities associated
959 with the services the surgical assistants provide.

960 4. Volunteers receive training in the specific
961 responsibilities associated with the services the volunteers
962 provide, including counseling and patient advocacy as provided
963 in the rules adopted by the director for different types of
964 volunteers based on their responsibilities.

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

967 1. That a physician, registered nurse, licensed practical
968 nurse, advanced practice registered nurse ~~advanced registered~~
969 ~~nurse practitioner~~, or physician assistant is available to all
970 patients throughout the abortion procedure.

971 2. Standards for the safe conduct of abortion procedures
972 that conform to obstetric standards in keeping with established
973 standards of care regarding the estimation of fetal age as
974 defined in rule.

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

977 4. Appropriate precautions, such as the establishment of
978 intravenous access at least for patients undergoing post-first
979 trimester abortions.

980 5. Appropriate monitoring of the vital signs and other
981 defined signs and markers of the patient's status throughout the
982 abortion procedure and during the recovery period until the
983 patient's condition is deemed to be stable in the recovery room.

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

986 1. Postprocedure recovery rooms be supervised and staffed

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987 to meet the patients' needs.

988 2. Immediate postprocedure care consist of observation in a
989 supervised recovery room for as long as the patient's condition
990 warrants.

991 3. A registered nurse, licensed practical nurse, advanced
992 practice registered nurse ~~advanced registered nurse~~
993 ~~practitioner~~, or physician assistant who is trained in the
994 management of the recovery area and is capable of providing
995 basic cardiopulmonary resuscitation and related emergency
996 procedures remain on the premises of the abortion clinic until
997 all patients are discharged.

998 4. A physician sign the discharge order and be readily
999 accessible and available until the last patient is discharged to
1000 facilitate the transfer of emergency cases if hospitalization of
1001 the patient or viable fetus is necessary.

1002 5. A physician discuss Rho(D) immune globulin with each
1003 patient for whom it is indicated and ensure that it is offered
1004 to the patient in the immediate postoperative period or will be
1005 available to her within 72 hours after completion of the
1006 abortion procedure. If the patient refuses the Rho(D) immune
1007 globulin, she and a witness must sign a refusal form approved by
1008 the agency which must be included in the medical record.

1009 6. Written instructions with regard to postabortion coitus,
1010 signs of possible problems, and general aftercare which are
1011 specific to the patient be given to each patient. The
1012 instructions must include information regarding access to
1013 medical care for complications, including a telephone number for
1014 use in the event of a medical emergency.

1015 7. A minimum length of time be specified, by type of

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1016 abortion procedure and duration of gestation, during which a
1017 patient must remain in the recovery room.

1018 8. The physician ensure that, with the patient's consent, a
1019 registered nurse, licensed practical nurse, advanced practice
1020 registered nurse ~~advanced registered nurse practitioner~~, or
1021 physician assistant from the abortion clinic makes a good faith
1022 effort to contact the patient by telephone within 24 hours after
1023 surgery to assess the patient's recovery.

1024 9. Equipment and services be readily accessible to provide
1025 appropriate emergency resuscitative and life support procedures
1026 pending the transfer of the patient or viable fetus to the
1027 hospital.

1028 Section 22. Subsections (35) and (44) of section 394.455,
1029 Florida Statutes, are amended to read:

1030 394.455 Definitions.—As used in this part, the term:

1031 (35) "Psychiatric nurse" means an advanced practice
1032 registered nurse licensed ~~advanced registered nurse practitioner~~
1033 ~~certified~~ under s. 464.012 who has a master's or doctoral degree
1034 in psychiatric nursing, holds a national advanced practice
1035 certification as a psychiatric mental health advanced practice
1036 nurse, and has 2 years of post-master's clinical experience
1037 under the supervision of a physician.

1038 (44) "Service provider" means a receiving facility, a
1039 facility licensed under chapter 397, a treatment facility, an
1040 entity under contract with the department to provide mental
1041 health or substance abuse services, a community mental health
1042 center or clinic, a psychologist, a clinical social worker, a
1043 marriage and family therapist, a mental health counselor, a
1044 physician, a psychiatrist, an advanced practice registered nurse

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1045 ~~advanced registered nurse practitioner~~, a psychiatric nurse, or
1046 a qualified professional as defined in s. 39.01.

1047 Section 23. Paragraphs (a) and (b) of subsection (2) and
1048 subsection (4) of section 395.0191, Florida Statutes, are
1049 amended to read:

1050 395.0191 Staff membership and clinical privileges.—

1051 (2) (a) Each licensed facility shall establish rules and
1052 procedures for consideration of an application for clinical
1053 privileges submitted by an advanced practice registered nurse
1054 ~~advanced registered nurse practitioner~~ licensed and certified
1055 under part I of chapter 464, in accordance with the provisions
1056 of this section. No licensed facility shall deny such
1057 application solely because the applicant is licensed under part
1058 I of chapter 464 or because the applicant is not a participant
1059 in the Florida Birth-Related Neurological Injury Compensation
1060 Plan.

1061 (b) An advanced practice registered nurse ~~advanced~~
1062 ~~registered nurse practitioner~~ who is certified as a registered
1063 nurse anesthetist licensed under part I of chapter 464 shall
1064 administer anesthesia under the onsite medical direction of a
1065 professional licensed under chapter 458, chapter 459, or chapter
1066 466, and in accordance with an established protocol approved by
1067 the medical staff. The medical direction shall specifically
1068 address the needs of the individual patient.

1069 (4) Nothing herein shall restrict in any way the authority
1070 of the medical staff of a licensed facility to review for
1071 approval or disapproval all applications for appointment and
1072 reappointment to all categories of staff and to make
1073 recommendations on each applicant to the governing board,

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1074 including the delineation of privileges to be granted in each
1075 case. In making such recommendations and in the delineation of
1076 privileges, each applicant shall be considered individually
1077 pursuant to criteria for a doctor licensed under chapter 458,
1078 chapter 459, chapter 461, or chapter 466, or for an advanced
1079 practice registered nurse ~~advanced registered nurse practitioner~~
1080 licensed ~~and certified~~ under part I of chapter 464, or for a
1081 psychologist licensed under chapter 490, as applicable. The
1082 applicant's eligibility for staff membership or clinical
1083 privileges shall be determined by the applicant's background,
1084 experience, health, training, and demonstrated competency; the
1085 applicant's adherence to applicable professional ethics; the
1086 applicant's reputation; and the applicant's ability to work with
1087 others and by such other elements as determined by the governing
1088 board, consistent with this part.

1089 Section 24. Subsection (34) of section 397.311, Florida
1090 Statutes, is amended to read:

1091 397.311 Definitions.—As used in this chapter, except part
1092 VIII, the term:

1093 (34) "Qualified professional" means a physician or a
1094 physician assistant licensed under chapter 458 or chapter 459; a
1095 professional licensed under chapter 490 or chapter 491; an
1096 advanced practice registered nurse ~~advanced registered nurse~~
1097 ~~practitioner~~ licensed under part I of chapter 464; or a person
1098 who is certified through a department-recognized certification
1099 process for substance abuse treatment services and who holds, at
1100 a minimum, a bachelor's degree. A person who is certified in
1101 substance abuse treatment services by a state-recognized
1102 certification process in another state at the time of employment

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1103 with a licensed substance abuse provider in this state may
1104 perform the functions of a qualified professional as defined in
1105 this chapter but must meet certification requirements contained
1106 in this subsection no later than 1 year after his or her date of
1107 employment.

1108 Section 25. Section 397.4012, Florida Statutes, is amended
1109 to read:

1110 397.4012 Exemptions from licensure.—The following are
1111 exempt from the licensing provisions of this chapter:

1112 (1) A hospital or hospital-based component licensed under
1113 chapter 395.

1114 (2) A nursing home facility as defined in s. 400.021.

1115 (3) A substance abuse education program established
1116 pursuant to s. 1003.42.

1117 (4) A facility or institution operated by the Federal
1118 Government.

1119 (5) A physician or physician assistant licensed under
1120 chapter 458 or chapter 459.

1121 (6) A psychologist licensed under chapter 490.

1122 (7) A social worker, marriage and family therapist, or
1123 mental health counselor licensed under chapter 491.

1124 (8) A legally cognizable church or nonprofit religious
1125 organization or denomination providing substance abuse services,
1126 including prevention services, which are solely religious,
1127 spiritual, or ecclesiastical in nature. A church or nonprofit
1128 religious organization or denomination providing any of the
1129 licensed service components itemized under s. 397.311(26) is not
1130 exempt from substance abuse licensure but retains its exemption
1131 with respect to all services which are solely religious,

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1132 spiritual, or ecclesiastical in nature.

1133 (9) Facilities licensed under chapter 393 which, in
1134 addition to providing services to persons with developmental
1135 disabilities, also provide services to persons developmentally
1136 at risk as a consequence of exposure to alcohol or other legal
1137 or illegal drugs while in utero.

1138 (10) DUI education and screening services provided pursuant
1139 to ss. 316.192, 316.193, 322.095, 322.271, and 322.291. Persons
1140 or entities providing treatment services must be licensed under
1141 this chapter unless exempted from licensing as provided in this
1142 section.

1143 (11) A facility licensed under s. 394.875 as a crisis
1144 stabilization unit.

1145
1146 The exemptions from licensure in this section do not apply to
1147 any service provider that receives an appropriation, grant, or
1148 contract from the state to operate as a service provider as
1149 defined in this chapter or to any substance abuse program
1150 regulated pursuant to s. 397.4014. Furthermore, this chapter may
1151 not be construed to limit the practice of a physician or
1152 physician assistant licensed under chapter 458 or chapter 459, a
1153 psychologist licensed under chapter 490, a psychotherapist
1154 licensed under chapter 491, or an advanced practice registered
1155 nurse ~~advanced registered nurse practitioner~~ licensed under part
1156 I of chapter 464, who provides substance abuse treatment, so
1157 long as the physician, physician assistant, psychologist,
1158 psychotherapist, or advanced practice registered nurse ~~advanced~~
1159 ~~registered nurse practitioner~~ does not represent to the public
1160 that he or she is a licensed service provider and does not

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1161 provide services to individuals pursuant to part V of this
1162 chapter. Failure to comply with any requirement necessary to
1163 maintain an exempt status under this section is a misdemeanor of
1164 the first degree, punishable as provided in s. 775.082 or s.
1165 775.083.

1166 Section 26. Subsections (4), (7), and (8) of section
1167 397.427, Florida Statutes, are amended to read:

1168 397.427 Medication-assisted treatment service providers;
1169 rehabilitation program; needs assessment and provision of
1170 services; persons authorized to issue takeout medication;
1171 unlawful operation; penalty.—

1172 (4) Notwithstanding s. 465.019(2), a physician assistant, a
1173 registered nurse, an advanced practice registered nurse ~~advanced~~
1174 ~~registered nurse practitioner~~, or a licensed practical nurse
1175 working for a licensed service provider may deliver takeout
1176 medication for opiate treatment to persons enrolled in a
1177 maintenance treatment program for medication-assisted treatment
1178 for opiate addiction if:

1179 (a) The medication-assisted treatment program for opiate
1180 addiction has an appropriate valid permit issued pursuant to
1181 rules adopted by the Board of Pharmacy;

1182 (b) The medication for treatment of opiate addiction has
1183 been delivered pursuant to a valid prescription written by the
1184 program's physician licensed pursuant to chapter 458 or chapter
1185 459;

1186 (c) The medication for treatment of opiate addiction which
1187 is ordered appears on a formulary and is prepackaged and
1188 prelabeled with dosage instructions and distributed from a
1189 source authorized under chapter 499;

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1190 (d) Each licensed provider adopts written protocols which
1191 provide for supervision of the physician assistant, registered
1192 nurse, advanced practice registered nurse ~~advanced registered~~
1193 ~~nurse practitioner~~, or licensed practical nurse by a physician
1194 licensed pursuant to chapter 458 or chapter 459 and for the
1195 procedures by which patients' medications may be delivered by
1196 the physician assistant, registered nurse, advanced practice
1197 registered nurse ~~advanced registered nurse practitioner~~, or
1198 licensed practical nurse. Such protocols shall be signed by the
1199 supervising physician and either the administering registered
1200 nurse, the advanced practice registered nurse ~~advanced~~
1201 ~~registered nurse practitioner~~, or the licensed practical nurse.

1202 (e) Each licensed service provider maintains and has
1203 available for inspection by representatives of the Board of
1204 Pharmacy all medical records and patient care protocols,
1205 including records of medications delivered to patients, in
1206 accordance with the board.

1207 (7) A physician assistant, a registered nurse, an advanced
1208 practice registered nurse ~~advanced registered nurse~~
1209 ~~practitioner~~, or a licensed practical nurse working for a
1210 licensed service provider may deliver medication as prescribed
1211 by rule if:

1212 (a) The service provider is authorized to provide
1213 medication-assisted treatment;

1214 (b) The medication has been administered pursuant to a
1215 valid prescription written by the program's physician who is
1216 licensed under chapter 458 or chapter 459; and

1217 (c) The medication ordered appears on a formulary or meets
1218 federal requirements for medication-assisted treatment.

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1219 (8) Each licensed service provider that provides
1220 medication-assisted treatment must adopt written protocols as
1221 specified by the department and in accordance with federally
1222 required rules, regulations, or procedures. The protocol shall
1223 provide for the supervision of the physician assistant,
1224 registered nurse, advanced practice registered nurse ~~advanced~~
1225 ~~registered nurse practitioner~~, or licensed practical nurse
1226 working under the supervision of a physician who is licensed
1227 under chapter 458 or chapter 459. The protocol must specify how
1228 the medication will be used in conjunction with counseling or
1229 psychosocial treatment and that the services provided will be
1230 included on the treatment plan. The protocol must specify the
1231 procedures by which medication-assisted treatment may be
1232 administered by the physician assistant, registered nurse,
1233 advanced practice registered nurse ~~advanced registered nurse~~
1234 ~~practitioner~~, or licensed practical nurse. These protocols shall
1235 be signed by the supervising physician and the administering
1236 physician assistant, registered nurse, advanced practice
1237 registered nurse ~~advanced registered nurse practitioner~~, or
1238 licensed practical nurse.

1239 Section 27. Section 397.679, Florida Statutes, is amended
1240 to read:

1241 397.679 Emergency admission; circumstances justifying.—A
1242 person who meets the criteria for involuntary admission in s.
1243 397.675 may be admitted to a hospital or to a licensed
1244 detoxification facility or addictions receiving facility for
1245 emergency assessment and stabilization, or to a less intensive
1246 component of a licensed service provider for assessment only,
1247 upon receipt by the facility of a certificate by a physician, an

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1248 advanced practice registered nurse ~~advanced registered nurse~~
1249 ~~practitioner~~, a psychiatric nurse, a clinical psychologist, a
1250 clinical social worker, a marriage and family therapist, a
1251 mental health counselor, a physician assistant working under the
1252 scope of practice of the supervising physician, or a master's-
1253 level-certified addictions professional for substance abuse
1254 services, if the certificate is specific to substance abuse
1255 impairment, and the completion of an application for emergency
1256 admission.

1257 Section 28. Subsection (1) of section 397.6793, Florida
1258 Statutes, is amended to read:

1259 397.6793 Professional's certificate for emergency
1260 admission.—

1261 (1) A physician, a clinical psychologist, a physician
1262 assistant working under the scope of practice of the supervising
1263 physician, a psychiatric nurse, an advanced practice registered
1264 nurse ~~advanced registered nurse practitioner~~, a mental health
1265 counselor, a marriage and family therapist, a master's-level-
1266 certified addictions professional for substance abuse services,
1267 or a clinical social worker may execute a professional's
1268 certificate for emergency admission. The professional's
1269 certificate must include the name of the person to be admitted,
1270 the relationship between the person and the professional
1271 executing the certificate, the relationship between the
1272 applicant and the professional, any relationship between the
1273 professional and the licensed service provider, a statement that
1274 the person has been examined and assessed within the preceding 5
1275 days after the application date, and factual allegations with
1276 respect to the need for emergency admission, including:

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1277 (a) The reason for the belief that the person is substance
1278 abuse impaired;

1279 (b) The reason for the belief that because of such
1280 impairment the person has lost the power of self-control with
1281 respect to substance abuse; and

1282 (c)1. The reason for the belief that, without care or
1283 treatment, the person is likely to suffer from neglect or refuse
1284 to care for himself or herself; that such neglect or refusal
1285 poses a real and present threat of substantial harm to his or
1286 her well-being; and that it is not apparent that such harm may
1287 be avoided through the help of willing family members or friends
1288 or the provision of other services, or there is substantial
1289 likelihood that the person has inflicted or, unless admitted, is
1290 likely to inflict, physical harm on himself, herself, or
1291 another; or

1292 2. The reason for the belief that the person's refusal to
1293 voluntarily receive care is based on judgment so impaired by
1294 reason of substance abuse that the person is incapable of
1295 appreciating his or her need for care and of making a rational
1296 decision regarding his or her need for care.

1297 Section 29. Subsection (8) of section 400.021, Florida
1298 Statutes, is amended to read:

1299 400.021 Definitions.—When used in this part, unless the
1300 context otherwise requires, the term:

1301 (8) "Geriatric outpatient clinic" means a site for
1302 providing outpatient health care to persons 60 years of age or
1303 older, which is staffed by a registered nurse, a physician
1304 assistant, or a licensed practical nurse under the direct
1305 supervision of a registered nurse, advanced practice registered

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1306 ~~nurse advanced registered nurse practitioner~~, physician
1307 assistant, or physician.

1308 Section 30. Subsection (3) of section 400.462, Florida
1309 Statutes, is amended to read:

1310 400.462 Definitions.—As used in this part, the term:

1311 (3) “Advanced practice registered nurse” ~~“Advanced~~
1312 ~~registered nurse practitioner”~~ means a person licensed in this
1313 state to practice professional nursing and certified in advanced
1314 or specialized nursing practice, as defined in s. 464.003.

1315 Section 31. Section 400.487, Florida Statutes, is amended
1316 to read:

1317 400.487 Home health service agreements; physician's,
1318 physician assistant's, and advanced practice registered nurse's
1319 ~~advanced registered nurse practitioner's~~ treatment orders;
1320 patient assessment; establishment and review of plan of care;
1321 provision of services; orders not to resuscitate.—

1322 (1) Services provided by a home health agency must be
1323 covered by an agreement between the home health agency and the
1324 patient or the patient's legal representative specifying the
1325 home health services to be provided, the rates or charges for
1326 services paid with private funds, and the sources of payment,
1327 which may include Medicare, Medicaid, private insurance,
1328 personal funds, or a combination thereof. A home health agency
1329 providing skilled care must make an assessment of the patient's
1330 needs within 48 hours after the start of services.

1331 (2) When required by the provisions of chapter 464; part I,
1332 part III, or part V of chapter 468; or chapter 486, the
1333 attending physician, physician assistant, or advanced practice
1334 registered nurse ~~advanced registered nurse practitioner~~, acting

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1335 within his or her respective scope of practice, shall establish
1336 treatment orders for a patient who is to receive skilled care.
1337 The treatment orders must be signed by the physician, physician
1338 assistant, or advanced practice registered nurse ~~advanced~~
1339 ~~registered nurse practitioner~~ before a claim for payment for the
1340 skilled services is submitted by the home health agency. If the
1341 claim is submitted to a managed care organization, the treatment
1342 orders must be signed within the time allowed under the provider
1343 agreement. The treatment orders shall be reviewed, as frequently
1344 as the patient's illness requires, by the physician, physician
1345 assistant, or advanced practice registered nurse ~~advanced~~
1346 ~~registered nurse practitioner~~ in consultation with the home
1347 health agency.

1348 (3) A home health agency shall arrange for supervisory
1349 visits by a registered nurse to the home of a patient receiving
1350 home health aide services in accordance with the patient's
1351 direction, approval, and agreement to pay the charge for the
1352 visits.

1353 (4) Each patient has the right to be informed of and to
1354 participate in the planning of his or her care. Each patient
1355 must be provided, upon request, a copy of the plan of care
1356 established and maintained for that patient by the home health
1357 agency.

1358 (5) When nursing services are ordered, the home health
1359 agency to which a patient has been admitted for care must
1360 provide the initial admission visit, all service evaluation
1361 visits, and the discharge visit by a direct employee. Services
1362 provided by others under contractual arrangements to a home
1363 health agency must be monitored and managed by the admitting

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1364 home health agency. The admitting home health agency is fully
1365 responsible for ensuring that all care provided through its
1366 employees or contract staff is delivered in accordance with this
1367 part and applicable rules.

1368 (6) The skilled care services provided by a home health
1369 agency, directly or under contract, must be supervised and
1370 coordinated in accordance with the plan of care.

1371 (7) Home health agency personnel may withhold or withdraw
1372 cardiopulmonary resuscitation if presented with an order not to
1373 resuscitate executed pursuant to s. 401.45. The agency shall
1374 adopt rules providing for the implementation of such orders.
1375 Home health personnel and agencies shall not be subject to
1376 criminal prosecution or civil liability, nor be considered to
1377 have engaged in negligent or unprofessional conduct, for
1378 withholding or withdrawing cardiopulmonary resuscitation
1379 pursuant to such an order and rules adopted by the agency.

1380 Section 32. Paragraph (a) of subsection (13) of section
1381 400.506, Florida Statutes, is amended to read:

1382 400.506 Licensure of nurse registries; requirements;
1383 penalties.—

1384 (13) All persons referred for contract in private
1385 residences by a nurse registry must comply with the following
1386 requirements for a plan of treatment:

1387 (a) When, in accordance with the privileges and
1388 restrictions imposed upon a nurse under part I of chapter 464,
1389 the delivery of care to a patient is under the direction or
1390 supervision of a physician or when a physician is responsible
1391 for the medical care of the patient, a medical plan of treatment
1392 must be established for each patient receiving care or treatment

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1393 provided by a licensed nurse in the home. The original medical
1394 plan of treatment must be timely signed by the physician,
1395 physician assistant, or advanced practice registered nurse
1396 ~~advanced registered nurse practitioner~~, acting within his or her
1397 respective scope of practice, and reviewed in consultation with
1398 the licensed nurse at least every 2 months. Any additional order
1399 or change in orders must be obtained from the physician,
1400 physician assistant, or advanced practice registered nurse
1401 ~~advanced registered nurse practitioner~~ and reduced to writing
1402 and timely signed by the physician, physician assistant, or
1403 advanced practice registered nurse ~~advanced registered nurse~~
1404 ~~practitioner~~. The delivery of care under a medical plan of
1405 treatment must be substantiated by the appropriate nursing notes
1406 or documentation made by the nurse in compliance with nursing
1407 practices established under part I of chapter 464.

1408 Section 33. Subsections (5) and (7) of section 400.9973,
1409 Florida Statutes, are amended to read:

1410 400.9973 Client admission, transfer, and discharge.—

1411 (5) A client admitted to a transitional living facility
1412 must be admitted upon prescription by a licensed physician,
1413 physician assistant, or advanced practice registered nurse
1414 ~~advanced registered nurse practitioner~~ and must remain under the
1415 care of a licensed physician, physician assistant, or advanced
1416 practice registered nurse ~~advanced registered nurse practitioner~~
1417 for the duration of the client's stay in the facility.

1418 (7) A person may not be admitted to a transitional living
1419 facility if the person:

1420 (a) Presents significant risk of infection to other clients
1421 or personnel. A health care practitioner must provide

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1422 documentation that the person is free of apparent signs and
1423 symptoms of communicable disease;

1424 (b) Is a danger to himself or herself or others as
1425 determined by a physician, physician assistant, advanced
1426 practice registered nurse, ~~or advanced registered nurse~~
1427 ~~practitioner~~ or a mental health practitioner licensed under
1428 chapter 490 or chapter 491, unless the facility provides
1429 adequate staffing and support to ensure patient safety;

1430 (c) Is bedridden; or

1431 (d) Requires 24-hour nursing supervision.

1432 Section 34. Subsection (1) and paragraphs (a) and (b) of
1433 subsection (2) of section 400.9974, Florida Statutes, are
1434 amended to read:

1435 400.9974 Client comprehensive treatment plans; client
1436 services.—

1437 (1) A transitional living facility shall develop a
1438 comprehensive treatment plan for each client as soon as
1439 practicable but no later than 30 days after the initial
1440 comprehensive treatment plan is developed. The comprehensive
1441 treatment plan must be developed by an interdisciplinary team
1442 consisting of the case manager, the program director, the
1443 advanced practice registered nurse ~~advanced registered nurse~~
1444 ~~practitioner~~, and appropriate therapists. The client or, if
1445 appropriate, the client's representative must be included in
1446 developing the comprehensive treatment plan. The comprehensive
1447 treatment plan must be reviewed and updated if the client fails
1448 to meet projected improvements outlined in the plan or if a
1449 significant change in the client's condition occurs. The
1450 comprehensive treatment plan must be reviewed and updated at

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1451 least once monthly.

1452 (2) The comprehensive treatment plan must include:

1453 (a) Orders obtained from the physician, physician
1454 assistant, or advanced practice registered nurse ~~advanced~~
1455 ~~registered nurse practitioner~~ and the client's diagnosis,
1456 medical history, physical examination, and rehabilitative or
1457 restorative needs.

1458 (b) A preliminary nursing evaluation, including orders for
1459 immediate care provided by the physician, physician assistant,
1460 or advanced practice registered nurse ~~advanced registered nurse~~
1461 ~~practitioner~~, which shall be completed when the client is
1462 admitted.

1463 Section 35. Section 400.9976, Florida Statutes, is amended
1464 to read:

1465 400.9976 Administration of medication.—

1466 (1) An individual medication administration record must be
1467 maintained for each client. A dose of medication, including a
1468 self-administered dose, shall be properly recorded in the
1469 client's record. A client who self-administers medication shall
1470 be given a pill organizer. Medication must be placed in the pill
1471 organizer by a nurse. A nurse shall document the date and time
1472 that medication is placed into each client's pill organizer. All
1473 medications must be administered in compliance with orders of a
1474 physician, physician assistant, or advanced practice registered
1475 nurse ~~advanced registered nurse practitioner~~.

1476 (2) If an interdisciplinary team determines that self-
1477 administration of medication is an appropriate objective, and if
1478 the physician, physician assistant, or advanced practice
1479 registered nurse ~~advanced registered nurse practitioner~~ does not

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1480 specify otherwise, the client must be instructed by the
1481 physician, physician assistant, or advanced practice registered
1482 nurse ~~advanced registered nurse practitioner~~ to self-administer
1483 his or her medication without the assistance of a staff person.
1484 All forms of self-administration of medication, including
1485 administration orally, by injection, and by suppository, shall
1486 be included in the training. The client's physician, physician
1487 assistant, or advanced practice registered nurse ~~advanced~~
1488 ~~registered nurse practitioner~~ must be informed of the
1489 interdisciplinary team's decision that self-administration of
1490 medication is an objective for the client. A client may not
1491 self-administer medication until he or she demonstrates the
1492 competency to take the correct medication in the correct dosage
1493 at the correct time, to respond to missed doses, and to contact
1494 the appropriate person with questions.

1495 (3) Medication administration discrepancies and adverse
1496 drug reactions must be recorded and reported immediately to a
1497 physician, physician assistant, or advanced practice registered
1498 nurse ~~advanced registered nurse practitioner~~.

1499 Section 36. Subsections (2) through (5) of section
1500 400.9979, Florida Statutes, are amended to read:

1501 400.9979 Restraint and seclusion; client safety.—

1502 (2) The use of physical restraints must be ordered and
1503 documented by a physician, physician assistant, or advanced
1504 practice registered nurse ~~advanced registered nurse practitioner~~
1505 and must be consistent with the policies and procedures adopted
1506 by the facility. The client or, if applicable, the client's
1507 representative shall be informed of the facility's physical
1508 restraint policies and procedures when the client is admitted.

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1509 (3) The use of chemical restraints shall be limited to
1510 prescribed dosages of medications as ordered by a physician,
1511 physician assistant, or advanced practice registered nurse
1512 ~~advanced registered nurse practitioner~~ and must be consistent
1513 with the client's diagnosis and the policies and procedures
1514 adopted by the facility. The client and, if applicable, the
1515 client's representative shall be informed of the facility's
1516 chemical restraint policies and procedures when the client is
1517 admitted.

1518 (4) Based on the assessment by a physician, physician
1519 assistant, or advanced practice registered nurse ~~advanced~~
1520 ~~registered nurse practitioner~~, if a client exhibits symptoms
1521 that present an immediate risk of injury or death to himself or
1522 herself or others, a physician, physician assistant, or advanced
1523 practice registered nurse ~~advanced registered nurse practitioner~~
1524 may issue an emergency treatment order to immediately administer
1525 rapid-response psychotropic medications or other chemical
1526 restraints. Each emergency treatment order must be documented
1527 and maintained in the client's record.

1528 (a) An emergency treatment order is not effective for more
1529 than 24 hours.

1530 (b) Whenever a client is medicated under this subsection,
1531 the client's representative or a responsible party and the
1532 client's physician, physician assistant, or advanced practice
1533 registered nurse ~~advanced registered nurse practitioner~~ shall be
1534 notified as soon as practicable.

1535 (5) A client who is prescribed and receives a medication
1536 that can serve as a chemical restraint for a purpose other than
1537 an emergency treatment order must be evaluated by his or her

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1538 physician, physician assistant, or advanced practice registered
1539 nurse ~~advanced registered nurse practitioner~~ at least monthly to
1540 assess:

- 1541 (a) The continued need for the medication.
1542 (b) The level of the medication in the client's blood.
1543 (c) The need for adjustments to the prescription.

1544 Section 37. Subsections (1) and (2) of section 401.445,
1545 Florida Statutes, are amended to read:

1546 401.445 Emergency examination and treatment of
1547 incapacitated persons.—

1548 (1) No recovery shall be allowed in any court in this state
1549 against any emergency medical technician, paramedic, or
1550 physician as defined in this chapter, any advanced practice
1551 registered nurse licensed ~~advanced registered nurse practitioner~~
1552 ~~certified~~ under s. 464.012, or any physician assistant licensed
1553 under s. 458.347 or s. 459.022, or any person acting under the
1554 direct medical supervision of a physician, in an action brought
1555 for examining or treating a patient without his or her informed
1556 consent if:

1557 (a) The patient at the time of examination or treatment is
1558 intoxicated, under the influence of drugs, or otherwise
1559 incapable of providing informed consent as provided in s.
1560 766.103;

1561 (b) The patient at the time of examination or treatment is
1562 experiencing an emergency medical condition; and

1563 (c) The patient would reasonably, under all the surrounding
1564 circumstances, undergo such examination, treatment, or procedure
1565 if he or she were advised by the emergency medical technician,
1566 paramedic, physician, advanced practice registered nurse

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1567 ~~advanced registered nurse practitioner~~, or physician assistant
1568 in accordance with s. 766.103(3).

1569
1570 Examination and treatment provided under this subsection shall
1571 be limited to reasonable examination of the patient to determine
1572 the medical condition of the patient and treatment reasonably
1573 necessary to alleviate the emergency medical condition or to
1574 stabilize the patient.

1575 (2) In examining and treating a person who is apparently
1576 intoxicated, under the influence of drugs, or otherwise
1577 incapable of providing informed consent, the emergency medical
1578 technician, paramedic, physician, advanced practice registered
1579 nurse ~~advanced registered nurse practitioner~~, or physician
1580 assistant, or any person acting under the direct medical
1581 supervision of a physician, shall proceed wherever possible with
1582 the consent of the person. If the person reasonably appears to
1583 be incapacitated and refuses his or her consent, the person may
1584 be examined, treated, or taken to a hospital or other
1585 appropriate treatment resource if he or she is in need of
1586 emergency attention, without his or her consent, but
1587 unreasonable force shall not be used.

1588 Section 38. Subsection (1) of section 409.905, Florida
1589 Statutes, is amended to read:

1590 409.905 Mandatory Medicaid services.—The agency may make
1591 payments for the following services, which are required of the
1592 state by Title XIX of the Social Security Act, furnished by
1593 Medicaid providers to recipients who are determined to be
1594 eligible on the dates on which the services were provided. Any
1595 service under this section shall be provided only when medically

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1596 necessary and in accordance with state and federal law.
1597 Mandatory services rendered by providers in mobile units to
1598 Medicaid recipients may be restricted by the agency. Nothing in
1599 this section shall be construed to prevent or limit the agency
1600 from adjusting fees, reimbursement rates, lengths of stay,
1601 number of visits, number of services, or any other adjustments
1602 necessary to comply with the availability of moneys and any
1603 limitations or directions provided for in the General
1604 Appropriations Act or chapter 216.

1605 (1) ADVANCED PRACTICE REGISTERED NURSE ~~ADVANCED REGISTERED~~
1606 ~~NURSE PRACTITIONER~~ SERVICES.—The agency shall pay for services
1607 provided to a recipient by a licensed advanced practice
1608 registered nurse ~~advanced registered nurse practitioner~~ who has
1609 a valid collaboration agreement with a licensed physician on
1610 file with the Department of Health or who provides anesthesia
1611 services in accordance with established protocol required by
1612 state law and approved by the medical staff of the facility in
1613 which the anesthetic service is performed. Reimbursement for
1614 such services must be provided in an amount that equals not less
1615 than 80 percent of the reimbursement to a physician who provides
1616 the same services, unless otherwise provided for in the General
1617 Appropriations Act.

1618 Section 39. Paragraph (a) of subsection (3) and subsection
1619 (7) of section 409.908, Florida Statutes, are amended to read:

1620 409.908 Reimbursement of Medicaid providers.—Subject to
1621 specific appropriations, the agency shall reimburse Medicaid
1622 providers, in accordance with state and federal law, according
1623 to methodologies set forth in the rules of the agency and in
1624 policy manuals and handbooks incorporated by reference therein.

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1625 These methodologies may include fee schedules, reimbursement
1626 methods based on cost reporting, negotiated fees, competitive
1627 bidding pursuant to s. 287.057, and other mechanisms the agency
1628 considers efficient and effective for purchasing services or
1629 goods on behalf of recipients. If a provider is reimbursed based
1630 on cost reporting and submits a cost report late and that cost
1631 report would have been used to set a lower reimbursement rate
1632 for a rate semester, then the provider's rate for that semester
1633 shall be retroactively calculated using the new cost report, and
1634 full payment at the recalculated rate shall be effected
1635 retroactively. Medicare-granted extensions for filing cost
1636 reports, if applicable, shall also apply to Medicaid cost
1637 reports. Payment for Medicaid compensable services made on
1638 behalf of Medicaid eligible persons is subject to the
1639 availability of moneys and any limitations or directions
1640 provided for in the General Appropriations Act or chapter 216.
1641 Further, nothing in this section shall be construed to prevent
1642 or limit the agency from adjusting fees, reimbursement rates,
1643 lengths of stay, number of visits, or number of services, or
1644 making any other adjustments necessary to comply with the
1645 availability of moneys and any limitations or directions
1646 provided for in the General Appropriations Act, provided the
1647 adjustment is consistent with legislative intent.

1648 (3) Subject to any limitations or directions provided for
1649 in the General Appropriations Act, the following Medicaid
1650 services and goods may be reimbursed on a fee-for-service basis.
1651 For each allowable service or goods furnished in accordance with
1652 Medicaid rules, policy manuals, handbooks, and state and federal
1653 law, the payment shall be the amount billed by the provider, the

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1654 provider's usual and customary charge, or the maximum allowable
1655 fee established by the agency, whichever amount is less, with
1656 the exception of those services or goods for which the agency
1657 makes payment using a methodology based on capitation rates,
1658 average costs, or negotiated fees.

1659 (a) Advanced practice registered nurse ~~Advanced registered~~
1660 ~~nurse practitioner~~ services.

1661 (7) A provider of family planning services shall be
1662 reimbursed the lesser of the amount billed by the provider or an
1663 all-inclusive amount per type of visit for physicians and
1664 advanced practice registered nurses ~~advanced registered nurse~~
1665 ~~practitioners~~, as established by the agency in a fee schedule.

1666 Section 40. Paragraph (a) of subsection (1) of section
1667 409.973, Florida Statutes, is amended to read:

1668 409.973 Benefits.—

1669 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
1670 minimum, the following services:

1671 (a) Advanced practice registered nurse ~~Advanced registered~~
1672 ~~nurse practitioner~~ services.

1673 Section 41. Section 1 of chapter 2016-109, Laws of
1674 Florida, is amended to read:

1675 Section 1. Effective March 1, 2019, subsection (1) of
1676 section 409.973, Florida Statutes, is amended to read:

1677 409.973 Benefits.—

1678 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
1679 minimum, the following services:

1680 (a) Advanced practice registered nurse ~~Advanced registered~~
1681 ~~nurse practitioner~~ services.

1682 (b) Ambulatory surgical treatment center services.

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- 1683 (c) Birthing center services.
- 1684 (d) Chiropractic services.
- 1685 (e) Early periodic screening diagnosis and treatment
1686 services for recipients under age 21.
- 1687 (f) Emergency services.
- 1688 (g) Family planning services and supplies. Pursuant to 42
1689 C.F.R. s. 438.102, plans may elect to not provide these services
1690 due to an objection on moral or religious grounds, and must
1691 notify the agency of that election when submitting a reply to an
1692 invitation to negotiate.
- 1693 (h) Healthy start services, except as provided in s.
1694 409.975(4).
- 1695 (i) Hearing services.
- 1696 (j) Home health agency services.
- 1697 (k) Hospice services.
- 1698 (l) Hospital inpatient services.
- 1699 (m) Hospital outpatient services.
- 1700 (n) Laboratory and imaging services.
- 1701 (o) Medical supplies, equipment, prostheses, and orthoses.
- 1702 (p) Mental health services.
- 1703 (q) Nursing care.
- 1704 (r) Optical services and supplies.
- 1705 (s) Optometrist services.
- 1706 (t) Physical, occupational, respiratory, and speech therapy
1707 services.
- 1708 (u) Physician services, including physician assistant
1709 services.
- 1710 (v) Podiatric services.
- 1711 (w) Prescription drugs.

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- 1712 (x) Renal dialysis services.
- 1713 (y) Respiratory equipment and supplies.
- 1714 (z) Rural health clinic services.
- 1715 (aa) Substance abuse treatment services.
- 1716 (bb) Transportation to access covered services.
- 1717 Section 42. Paragraph (a) of subsection (2) and paragraph
- 1718 (a) of subsection (7) of section 429.918, Florida Statutes, are
- 1719 amended to read:
- 1720 429.918 Licensure designation as a specialized Alzheimer's
- 1721 services adult day care center.—
- 1722 (2) As used in this section, the term:
- 1723 (a) "ADRD participant" means a participant who has a
- 1724 documented diagnosis of Alzheimer's disease or a dementia-
- 1725 related disorder (ADRD) from a licensed physician, licensed
- 1726 physician assistant, or a licensed advanced practice registered
- 1727 nurse ~~advanced registered nurse practitioner~~.
- 1728 (7) (a) An ADRD participant admitted to an adult day care
- 1729 center having a license designated under this section, or the
- 1730 caregiver when applicable, must:
- 1731 1. Require ongoing supervision to maintain the highest
- 1732 level of medical or custodial functioning and have a
- 1733 demonstrated need for a responsible party to oversee his or her
- 1734 care.
- 1735 2. Not actively demonstrate aggressive behavior that places
- 1736 himself, herself, or others at risk of harm.
- 1737 3. Provide the following medical documentation signed by a
- 1738 licensed physician, licensed physician assistant, or a licensed
- 1739 advanced practice registered nurse ~~advanced registered nurse~~
- 1740 ~~practitioner~~:

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1741 a. Any physical, health, or emotional conditions that
1742 require medical care.

1743 b. A listing of the ADRD participant's current prescribed
1744 and over-the-counter medications and dosages, diet restrictions,
1745 mobility restrictions, and other physical limitations.

1746 4. Provide documentation signed by a health care provider
1747 licensed in this state which indicates that the ADRD participant
1748 is free of the communicable form of tuberculosis and free of
1749 signs and symptoms of other communicable diseases.

1750 Section 43. Section 456.0391, Florida Statutes, is amended
1751 to read:

1752 456.0391 Advanced practice registered nurses ~~Advanced~~
1753 ~~registered nurse practitioners~~; information required for
1754 licensure certification.—

1755 (1) (a) Each person who applies for initial licensure
1756 ~~certification~~ under s. 464.012 must, at the time of application,
1757 and each person licensed ~~certified~~ under s. 464.012 who applies
1758 for licensure certification renewal must, in conjunction with
1759 the renewal of such licensure certification and under procedures
1760 adopted by the Department of Health, and in addition to any
1761 other information that may be required from the applicant,
1762 furnish the following information to the Department of Health:

1763 1. The name of each school or training program that the
1764 applicant has attended, with the months and years of attendance
1765 and the month and year of graduation, and a description of all
1766 graduate professional education completed by the applicant,
1767 excluding any coursework taken to satisfy continuing education
1768 requirements.

1769 2. The name of each location at which the applicant

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1770 practices.

1771 3. The address at which the applicant will primarily
1772 conduct his or her practice.

1773 4. Any certification or designation that the applicant has
1774 received from a specialty or certification board that is
1775 recognized or approved by the regulatory board or department to
1776 which the applicant is applying.

1777 5. The year that the applicant received initial
1778 certification or licensure and began practicing the profession
1779 in any jurisdiction and the year that the applicant received
1780 initial certification or licensure in this state.

1781 6. Any appointment which the applicant currently holds to
1782 the faculty of a school related to the profession and an
1783 indication as to whether the applicant has had the
1784 responsibility for graduate education within the most recent 10
1785 years.

1786 7. A description of any criminal offense of which the
1787 applicant has been found guilty, regardless of whether
1788 adjudication of guilt was withheld, or to which the applicant
1789 has pled guilty or nolo contendere. A criminal offense committed
1790 in another jurisdiction which would have been a felony or
1791 misdemeanor if committed in this state must be reported. If the
1792 applicant indicates that a criminal offense is under appeal and
1793 submits a copy of the notice for appeal of that criminal
1794 offense, the department must state that the criminal offense is
1795 under appeal if the criminal offense is reported in the
1796 applicant's profile. If the applicant indicates to the
1797 department that a criminal offense is under appeal, the
1798 applicant must, within 15 days after the disposition of the

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1799 appeal, submit to the department a copy of the final written
1800 order of disposition.

1801 8. A description of any final disciplinary action taken
1802 within the previous 10 years against the applicant by a
1803 licensing or regulatory body in any jurisdiction, by a specialty
1804 board that is recognized by the board or department, or by a
1805 licensed hospital, health maintenance organization, prepaid
1806 health clinic, ambulatory surgical center, or nursing home.
1807 Disciplinary action includes resignation from or nonrenewal of
1808 staff membership or the restriction of privileges at a licensed
1809 hospital, health maintenance organization, prepaid health
1810 clinic, ambulatory surgical center, or nursing home taken in
1811 lieu of or in settlement of a pending disciplinary case related
1812 to competence or character. If the applicant indicates that the
1813 disciplinary action is under appeal and submits a copy of the
1814 document initiating an appeal of the disciplinary action, the
1815 department must state that the disciplinary action is under
1816 appeal if the disciplinary action is reported in the applicant's
1817 profile.

1818 (b) In addition to the information required under paragraph
1819 (a), each applicant for initial licensure ~~certification~~ or
1820 licensure ~~certification~~ renewal must provide the information
1821 required of licensees pursuant to s. 456.049.

1822 (2) The Department of Health shall send a notice to each
1823 person licensed ~~certified~~ under s. 464.012 at the licensee's
1824 ~~certificatcholder's~~ last known address of record regarding the
1825 requirements for information to be submitted by advanced
1826 practice registered nurses ~~advanced registered nurse~~
1827 ~~practitioners~~ pursuant to this section in conjunction with the

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1828 renewal of such license ~~certificate~~.

1829 (3) Each person licensed ~~certified~~ under s. 464.012 who has
1830 submitted information pursuant to subsection (1) must update
1831 that information in writing by notifying the Department of
1832 Health within 45 days after the occurrence of an event or the
1833 attainment of a status that is required to be reported by
1834 subsection (1). Failure to comply with the requirements of this
1835 subsection to update and submit information constitutes a ground
1836 for disciplinary action under chapter 464 and s. 456.072(1)(k).
1837 For failure to comply with the requirements of this subsection
1838 to update and submit information, the department or board, as
1839 appropriate, may:

1840 (a) Refuse to issue a license ~~certificate~~ to any person
1841 applying for initial licensure ~~certification~~ who fails to submit
1842 and update the required information.

1843 (b) Issue a citation to any certificateholder or licensee
1844 who fails to submit and update the required information and may
1845 fine the certificateholder or licensee up to \$50 for each day
1846 that the certificateholder or licensee is not in compliance with
1847 this subsection. The citation must clearly state that the
1848 certificateholder or licensee may choose, in lieu of accepting
1849 the citation, to follow the procedure under s. 456.073. If the
1850 certificateholder or licensee disputes the matter in the
1851 citation, the procedures set forth in s. 456.073 must be
1852 followed. However, if the certificateholder or licensee does not
1853 dispute the matter in the citation with the department within 30
1854 days after the citation is served, the citation becomes a final
1855 order and constitutes discipline. Service of a citation may be
1856 made by personal service or certified mail, restricted delivery,

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1857 to the subject at the certificateholder's or licensee's last
1858 known address.

1859 (4) (a) An applicant for initial licensure ~~certification~~
1860 under s. 464.012 must submit a set of fingerprints to the
1861 Department of Health on a form and under procedures specified by
1862 the department, along with payment in an amount equal to the
1863 costs incurred by the Department of Health for a national
1864 criminal history check of the applicant.

1865 (b) An applicant for renewed licensure ~~certification~~ who
1866 has not previously submitted a set of fingerprints to the
1867 Department of Health for purposes of certification must submit a
1868 set of fingerprints to the department as a condition of the
1869 initial renewal of his or her certificate after the effective
1870 date of this section. The applicant must submit the fingerprints
1871 on a form and under procedures specified by the department,
1872 along with payment in an amount equal to the costs incurred by
1873 the Department of Health for a national criminal history check.
1874 For subsequent renewals, the applicant for renewed licensure
1875 ~~certification~~ must only submit information necessary to conduct
1876 a statewide criminal history check, along with payment in an
1877 amount equal to the costs incurred by the Department of Health
1878 for a statewide criminal history check.

1879 (c)1. The Department of Health shall submit the
1880 fingerprints provided by an applicant for initial licensure
1881 ~~certification~~ to the Florida Department of Law Enforcement for a
1882 statewide criminal history check, and the Florida Department of
1883 Law Enforcement shall forward the fingerprints to the Federal
1884 Bureau of Investigation for a national criminal history check of
1885 the applicant.

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1886 2. The department shall submit the fingerprints provided by
1887 an applicant for the initial renewal of licensure ~~certification~~
1888 to the Florida Department of Law Enforcement for a statewide
1889 criminal history check, and the Florida Department of Law
1890 Enforcement shall forward the fingerprints to the Federal Bureau
1891 of Investigation for a national criminal history check for the
1892 initial renewal of the applicant's certificate after the
1893 effective date of this section.

1894 3. For any subsequent renewal of the applicant's
1895 certificate, the department shall submit the required
1896 information for a statewide criminal history check of the
1897 applicant to the Florida Department of Law Enforcement.

1898 (d) Any applicant for initial licensure ~~certification~~ or
1899 renewal of licensure ~~certification~~ as an advanced practice
1900 registered nurse ~~advanced registered nurse practitioner~~ who
1901 submits to the Department of Health a set of fingerprints and
1902 information required for the criminal history check required
1903 under this section shall not be required to provide a subsequent
1904 set of fingerprints or other duplicate information required for
1905 a criminal history check to the Agency for Health Care
1906 Administration, the Department of Juvenile Justice, or the
1907 Department of Children and Families for employment or licensure
1908 with such agency or department, if the applicant has undergone a
1909 criminal history check as a condition of initial licensure
1910 ~~certification~~ or renewal of licensure ~~certification~~ as an
1911 advanced practice registered nurse ~~advanced registered nurse~~
1912 ~~practitioner~~ with the Department of Health, notwithstanding any
1913 other provision of law to the contrary. In lieu of such
1914 duplicate submission, the Agency for Health Care Administration,

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1915 the Department of Juvenile Justice, and the Department of
1916 Children and Families shall obtain criminal history information
1917 for employment or licensure of persons licensed ~~certified~~ under
1918 s. 464.012 by such agency or department from the Department of
1919 Health's health care practitioner credentialing system.

1920 (5) Each person who is required to submit information
1921 pursuant to this section may submit additional information to
1922 the Department of Health. Such information may include, but is
1923 not limited to:

1924 (a) Information regarding publications in peer-reviewed
1925 professional literature within the previous 10 years.

1926 (b) Information regarding professional or community service
1927 activities or awards.

1928 (c) Languages, other than English, used by the applicant to
1929 communicate with patients or clients and identification of any
1930 translating service that may be available at the place where the
1931 applicant primarily conducts his or her practice.

1932 (d) An indication of whether the person participates in the
1933 Medicaid program.

1934 Section 44. Subsection (2) of section 456.0392, Florida
1935 Statutes, is amended to read:

1936 456.0392 Prescription labeling.—

1937 (2) A prescription for a drug that is not listed as a
1938 controlled substance in chapter 893 which is written by an
1939 advanced practice registered nurse licensed ~~advanced registered~~
1940 ~~nurse practitioner certified~~ under s. 464.012 is presumed,
1941 subject to rebuttal, to be valid and within the parameters of
1942 the prescriptive authority delegated by a practitioner licensed
1943 under chapter 458, chapter 459, or chapter 466.

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1944 Section 45. Paragraph (a) of subsection (1) and subsection
 1945 (6) of section 456.041, Florida Statutes, are amended to read:
 1946 456.041 Practitioner profile; creation.—

1947 (1) (a) The Department of Health shall compile the
 1948 information submitted pursuant to s. 456.039 into a practitioner
 1949 profile of the applicant submitting the information, except that
 1950 the Department of Health shall develop a format to compile
 1951 uniformly any information submitted under s. 456.039(4) (b).
 1952 Beginning July 1, 2001, the Department of Health may compile the
 1953 information submitted pursuant to s. 456.0391 into a
 1954 practitioner profile of the applicant submitting the
 1955 information. The protocol submitted pursuant to s. 464.012(3)
 1956 must be included in the practitioner profile of the advanced
 1957 practice registered nurse ~~advanced registered nurse~~
 1958 ~~practitioner~~.

1959 (6) The Department of Health shall provide in each
 1960 practitioner profile for every physician or advanced practice
 1961 registered nurse ~~advanced registered nurse practitioner~~
 1962 terminated for cause from participating in the Medicaid program,
 1963 pursuant to s. 409.913, or sanctioned by the Medicaid program a
 1964 statement that the practitioner has been terminated from
 1965 participating in the Florida Medicaid program or sanctioned by
 1966 the Medicaid program.

1967 Section 46. Subsection (1) of section 456.048, Florida
 1968 Statutes, is amended to read:

1969 456.048 Financial responsibility requirements for certain
 1970 health care practitioners.—

1971 (1) As a prerequisite for licensure or license renewal, the
 1972 Board of Acupuncture, the Board of Chiropractic Medicine, the

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1973 Board of Podiatric Medicine, and the Board of Dentistry shall,
 1974 by rule, require that all health care practitioners licensed
 1975 under the respective board, and the Board of Medicine and the
 1976 Board of Osteopathic Medicine shall, by rule, require that all
 1977 anesthesiologist assistants licensed pursuant to s. 458.3475 or
 1978 s. 459.023, and the Board of Nursing shall, by rule, require
 1979 that advanced practice registered nurses licensed ~~advanced~~
 1980 ~~registered nurse practitioners certified~~ under s. 464.012, and
 1981 the department shall, by rule, require that midwives maintain
 1982 medical malpractice insurance or provide proof of financial
 1983 responsibility in an amount and in a manner determined by the
 1984 board or department to be sufficient to cover claims arising out
 1985 of the rendering of or failure to render professional care and
 1986 services in this state.

1987 Section 47. Subsection (7) of section 456.072, Florida
 1988 Statutes, is amended to read:

1989 456.072 Grounds for discipline; penalties; enforcement.—

1990 (7) Notwithstanding subsection (2), upon a finding that a
 1991 physician has prescribed or dispensed a controlled substance, or
 1992 caused a controlled substance to be prescribed or dispensed, in
 1993 a manner that violates the standard of practice set forth in s.
 1994 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)
 1995 or (s), or s. 466.028(1)(p) or (x), or that an advanced practice
 1996 registered nurse ~~advanced registered nurse practitioner~~ has
 1997 prescribed or dispensed a controlled substance, or caused a
 1998 controlled substance to be prescribed or dispensed, in a manner
 1999 that violates the standard of practice set forth in s.

2000 464.018(1)(n) or (p)6., the physician or advanced practice
 2001 registered nurse ~~advanced registered nurse practitioner~~ shall be

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2002 suspended for a period of not less than 6 months and pay a fine
2003 of not less than \$10,000 per count. Repeated violations shall
2004 result in increased penalties.

2005 Section 48. Paragraph (g) of subsection (1) and subsection
2006 (2) of section 456.44, Florida Statutes, are amended to read:

2007 456.44 Controlled substance prescribing.—

2008 (1) DEFINITIONS.—As used in this section, the term:

2009 (g) "Registrant" means a physician, a physician assistant,
2010 or an advanced practice registered nurse ~~advanced registered~~
2011 ~~nurse practitioner~~ who meets the requirements of subsection (2).

2012 (2) REGISTRATION.—A physician licensed under chapter 458,
2013 chapter 459, chapter 461, or chapter 466, a physician assistant
2014 licensed under chapter 458 or chapter 459, or an advanced
2015 practice registered nurse licensed ~~advanced registered nurse~~
2016 ~~practitioner certified~~ under part I of chapter 464 who
2017 prescribes any controlled substance, listed in Schedule II,
2018 Schedule III, or Schedule IV as defined in s. 893.03, for the
2019 treatment of chronic nonmalignant pain, must:

2020 (a) Designate himself or herself as a controlled substance
2021 prescribing practitioner on his or her practitioner profile.

2022 (b) Comply with the requirements of this section and
2023 applicable board rules.

2024 Section 49. Paragraph (c) of subsection (2) of section
2025 458.3265, Florida Statutes, is amended to read:

2026 458.3265 Pain-management clinics.—

2027 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
2028 apply to any physician who provides professional services in a
2029 pain-management clinic that is required to be registered in
2030 subsection (1).

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2031 (c) A physician, a physician assistant, or an advanced
2032 practice registered nurse ~~advanced registered nurse practitioner~~
2033 must perform a physical examination of a patient on the same day
2034 that the physician prescribes a controlled substance to a
2035 patient at a pain-management clinic. If the physician prescribes
2036 more than a 72-hour dose of controlled substances for the
2037 treatment of chronic nonmalignant pain, the physician must
2038 document in the patient's record the reason for prescribing that
2039 quantity.

2040 Section 50. Paragraph (dd) of subsection (1) of section
2041 458.331, Florida Statutes, is amended to read:

2042 458.331 Grounds for disciplinary action; action by the
2043 board and department.—

2044 (1) The following acts constitute grounds for denial of a
2045 license or disciplinary action, as specified in s. 456.072(2):

2046 (dd) Failing to supervise adequately the activities of
2047 those physician assistants, paramedics, emergency medical
2048 technicians, advanced practice registered nurses ~~advanced~~
2049 ~~registered nurse practitioners~~, or anesthesiologist assistants
2050 acting under the supervision of the physician.

2051 Section 51. Paragraph (a) of subsection (1) and subsection
2052 (3) of section 458.348, Florida Statutes, are amended to read:

2053 458.348 Formal supervisory relationships, standing orders,
2054 and established protocols; notice; standards.—

2055 (1) NOTICE.—

2056 (a) When a physician enters into a formal supervisory
2057 relationship or standing orders with an emergency medical
2058 technician or paramedic licensed pursuant to s. 401.27, which
2059 relationship or orders contemplate the performance of medical

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2060 acts, or when a physician enters into an established protocol
2061 with an advanced practice registered nurse ~~advanced registered~~
2062 ~~nurse practitioner~~, which protocol contemplates the performance
2063 of medical acts set forth in s. 464.012(3) and (4), the
2064 physician shall submit notice to the board. The notice shall
2065 contain a statement in substantially the following form:
2066

2067 I, ...(name and professional license number of
2068 physician)..., of ...(address of physician)... have hereby
2069 entered into a formal supervisory relationship, standing orders,
2070 or an established protocol with ...(number of persons)...
2071 emergency medical technician(s), ...(number of persons)...
2072 paramedic(s), or ...(number of persons)... advanced practice
2073 registered nurse(s) ~~advanced registered nurse practitioner(s)~~.
2074

2075 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—A
2076 physician who supervises an advanced practice registered nurse
2077 ~~advanced registered nurse practitioner~~ or physician assistant at
2078 a medical office other than the physician's primary practice
2079 location, where the advanced practice registered nurse ~~advanced~~
2080 ~~registered nurse practitioner~~ or physician assistant is not
2081 under the onsite supervision of a supervising physician, must
2082 comply with the standards set forth in this subsection. For the
2083 purpose of this subsection, a physician's "primary practice
2084 location" means the address reflected on the physician's profile
2085 published pursuant to s. 456.041.

2086 (a) A physician who is engaged in providing primary health
2087 care services may not supervise more than four offices in
2088 addition to the physician's primary practice location. For the

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2089 purpose of this subsection, "primary health care" means health
2090 care services that are commonly provided to patients without
2091 referral from another practitioner, including obstetrical and
2092 gynecological services, and excludes practices providing
2093 primarily dermatologic and skin care services, which include
2094 aesthetic skin care services.

2095 (b) A physician who is engaged in providing specialty
2096 health care services may not supervise more than two offices in
2097 addition to the physician's primary practice location. For the
2098 purpose of this subsection, "specialty health care" means health
2099 care services that are commonly provided to patients with a
2100 referral from another practitioner and excludes practices
2101 providing primarily dermatologic and skin care services, which
2102 include aesthetic skin care services.

2103 (c) A physician who supervises an advanced practice
2104 registered nurse ~~advanced registered nurse practitioner~~ or
2105 physician assistant at a medical office other than the
2106 physician's primary practice location, where the advanced
2107 practice registered nurse ~~advanced registered nurse practitioner~~
2108 or physician assistant is not under the onsite supervision of a
2109 supervising physician and the services offered at the office are
2110 primarily dermatologic or skin care services, which include
2111 aesthetic skin care services other than plastic surgery, must
2112 comply with the standards listed in subparagraphs 1.-4.
2113 Notwithstanding s. 458.347(4)(e)6., a physician supervising a
2114 physician assistant pursuant to this paragraph may not be
2115 required to review and cosign charts or medical records prepared
2116 by such physician assistant.

2117 1. The physician shall submit to the board the addresses of

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2118 all offices where he or she is supervising an advanced practice
2119 registered nurse ~~advanced registered nurse practitioner~~ or a
2120 physician's assistant which are not the physician's primary
2121 practice location.

2122 2. The physician must be board certified or board eligible
2123 in dermatology or plastic surgery as recognized by the board
2124 pursuant to s. 458.3312.

2125 3. All such offices that are not the physician's primary
2126 place of practice must be within 25 miles of the physician's
2127 primary place of practice or in a county that is contiguous to
2128 the county of the physician's primary place of practice.
2129 However, the distance between any of the offices may not exceed
2130 75 miles.

2131 4. The physician may supervise only one office other than
2132 the physician's primary place of practice except that until July
2133 1, 2011, the physician may supervise up to two medical offices
2134 other than the physician's primary place of practice if the
2135 addresses of the offices are submitted to the board before July
2136 1, 2006. Effective July 1, 2011, the physician may supervise
2137 only one office other than the physician's primary place of
2138 practice, regardless of when the addresses of the offices were
2139 submitted to the board.

2140 (d) A physician who supervises an office in addition to the
2141 physician's primary practice location must conspicuously post in
2142 each of the physician's offices a current schedule of the
2143 regular hours when the physician is present in that office and
2144 the hours when the office is open while the physician is not
2145 present.

2146 (e) This subsection does not apply to health care services

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2147 provided in facilities licensed under chapter 395 or in
2148 conjunction with a college of medicine, a college of nursing, an
2149 accredited graduate medical program, or a nursing education
2150 program; not-for-profit, family-planning clinics that are not
2151 licensed pursuant to chapter 390; rural and federally qualified
2152 health centers; health care services provided in a nursing home
2153 licensed under part II of chapter 400, an assisted living
2154 facility licensed under part I of chapter 429, a continuing care
2155 facility licensed under chapter 651, or a retirement community
2156 consisting of independent living units and a licensed nursing
2157 home or assisted living facility; anesthesia services provided
2158 in accordance with law; health care services provided in a
2159 designated rural health clinic; health care services provided to
2160 persons enrolled in a program designed to maintain elderly
2161 persons and persons with disabilities in a home or community-
2162 based setting; university primary care student health centers;
2163 school health clinics; or health care services provided in
2164 federal, state, or local government facilities. Subsection (2)
2165 and this subsection do not apply to offices at which the
2166 exclusive service being performed is laser hair removal by an
2167 advanced practice registered nurse ~~advanced registered nurse~~
2168 ~~practitioner~~ or physician assistant.

2169 Section 52. Paragraph (c) of subsection (2) of section
2170 459.0137, Florida Statutes, is amended to read:

2171 459.0137 Pain-management clinics.—

2172 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
2173 apply to any osteopathic physician who provides professional
2174 services in a pain-management clinic that is required to be
2175 registered in subsection (1).

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2176 (c) An osteopathic physician, a physician assistant, or an
2177 advanced practice registered nurse ~~advanced registered nurse~~
2178 ~~practitioner~~ must perform a physical examination of a patient on
2179 the same day that the physician prescribes a controlled
2180 substance to a patient at a pain-management clinic. If the
2181 osteopathic physician prescribes more than a 72-hour dose of
2182 controlled substances for the treatment of chronic nonmalignant
2183 pain, the osteopathic physician must document in the patient's
2184 record the reason for prescribing that quantity.

2185 Section 53. Paragraph (hh) of subsection (1) of section
2186 459.015, Florida Statutes, is amended to read:

2187 459.015 Grounds for disciplinary action; action by the
2188 board and department.—

2189 (1) The following acts constitute grounds for denial of a
2190 license or disciplinary action, as specified in s. 456.072(2):

2191 (hh) Failing to supervise adequately the activities of
2192 those physician assistants, paramedics, emergency medical
2193 technicians, advanced practice registered nurses ~~advanced~~
2194 ~~registered nurse practitioners~~, anesthesiologist assistants, or
2195 other persons acting under the supervision of the osteopathic
2196 physician.

2197 Section 54. Paragraph (a) of subsection (1) and subsection
2198 (3) of section 459.025, Florida Statutes, are amended to read:

2199 459.025 Formal supervisory relationships, standing orders,
2200 and established protocols; notice; standards.—

2201 (1) NOTICE.—

2202 (a) When an osteopathic physician enters into a formal
2203 supervisory relationship or standing orders with an emergency
2204 medical technician or paramedic licensed pursuant to s. 401.27,

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2205 which relationship or orders contemplate the performance of
2206 medical acts, or when an osteopathic physician enters into an
2207 established protocol with an advanced practice registered nurse
2208 ~~advanced registered nurse practitioner~~, which protocol
2209 contemplates the performance of medical acts or acts set forth
2210 in s. 464.012(3) and (4), the osteopathic physician shall submit
2211 notice to the board. The notice must contain a statement in
2212 substantially the following form:
2213

2214 I, ...(name and professional license number of osteopathic
2215 physician)..., of ...(address of osteopathic physician)... have
2216 hereby entered into a formal supervisory relationship, standing
2217 orders, or an established protocol with ...(number of
2218 persons)... emergency medical technician(s), ...(number of
2219 persons)... paramedic(s), or ...(number of persons)... advanced
2220 practice registered nurse(s) ~~advanced registered nurse~~
2221 ~~practitioner(s)~~.

2222 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—
2223 An osteopathic physician who supervises an advanced practice
2224 registered nurse ~~advanced registered nurse practitioner~~ or
2225 physician assistant at a medical office other than the
2226 osteopathic physician's primary practice location, where the
2227 advanced practice registered nurse ~~advanced registered nurse~~
2228 ~~practitioner~~ or physician assistant is not under the onsite
2229 supervision of a supervising osteopathic physician, must comply
2230 with the standards set forth in this subsection. For the purpose
2231 of this subsection, an osteopathic physician's "primary practice
2232 location" means the address reflected on the physician's profile
2233 published pursuant to s. 456.041.

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2234 (a) An osteopathic physician who is engaged in providing
2235 primary health care services may not supervise more than four
2236 offices in addition to the osteopathic physician's primary
2237 practice location. For the purpose of this subsection, "primary
2238 health care" means health care services that are commonly
2239 provided to patients without referral from another practitioner,
2240 including obstetrical and gynecological services, and excludes
2241 practices providing primarily dermatologic and skin care
2242 services, which include aesthetic skin care services.

2243 (b) An osteopathic physician who is engaged in providing
2244 specialty health care services may not supervise more than two
2245 offices in addition to the osteopathic physician's primary
2246 practice location. For the purpose of this subsection,
2247 "specialty health care" means health care services that are
2248 commonly provided to patients with a referral from another
2249 practitioner and excludes practices providing primarily
2250 dermatologic and skin care services, which include aesthetic
2251 skin care services.

2252 (c) An osteopathic physician who supervises an advanced
2253 practice registered nurse ~~advanced registered nurse practitioner~~
2254 or physician assistant at a medical office other than the
2255 osteopathic physician's primary practice location, where the
2256 advanced practice registered nurse ~~advanced registered nurse~~
2257 ~~practitioner~~ or physician assistant is not under the onsite
2258 supervision of a supervising osteopathic physician and the
2259 services offered at the office are primarily dermatologic or
2260 skin care services, which include aesthetic skin care services
2261 other than plastic surgery, must comply with the standards
2262 listed in subparagraphs 1.-4. Notwithstanding s.

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2263 459.022(4)(e)6., an osteopathic physician supervising a
2264 physician assistant pursuant to this paragraph may not be
2265 required to review and cosign charts or medical records prepared
2266 by such physician assistant.

2267 1. The osteopathic physician shall submit to the Board of
2268 Osteopathic Medicine the addresses of all offices where he or
2269 she is supervising or has a protocol with an advanced practice
2270 registered nurse ~~advanced registered nurse practitioner~~ or a
2271 physician ~~physician's~~ assistant which are not the osteopathic
2272 physician's primary practice location.

2273 2. The osteopathic physician must be board certified or
2274 board eligible in dermatology or plastic surgery as recognized
2275 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

2276 3. All such offices that are not the osteopathic
2277 physician's primary place of practice must be within 25 miles of
2278 the osteopathic physician's primary place of practice or in a
2279 county that is contiguous to the county of the osteopathic
2280 physician's primary place of practice. However, the distance
2281 between any of the offices may not exceed 75 miles.

2282 4. The osteopathic physician may supervise only one office
2283 other than the osteopathic physician's primary place of practice
2284 except that until July 1, 2011, the osteopathic physician may
2285 supervise up to two medical offices other than the osteopathic
2286 physician's primary place of practice if the addresses of the
2287 offices are submitted to the Board of Osteopathic Medicine
2288 before July 1, 2006. Effective July 1, 2011, the osteopathic
2289 physician may supervise only one office other than the
2290 osteopathic physician's primary place of practice, regardless of
2291 when the addresses of the offices were submitted to the Board of

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2292 Osteopathic Medicine.

2293 (d) An osteopathic physician who supervises an office in
2294 addition to the osteopathic physician's primary practice
2295 location must conspicuously post in each of the osteopathic
2296 physician's offices a current schedule of the regular hours when
2297 the osteopathic physician is present in that office and the
2298 hours when the office is open while the osteopathic physician is
2299 not present.

2300 (e) This subsection does not apply to health care services
2301 provided in facilities licensed under chapter 395 or in
2302 conjunction with a college of medicine or college of nursing or
2303 an accredited graduate medical or nursing education program;
2304 offices where the only service being performed is hair removal
2305 by an advanced practice registered nurse ~~advanced registered~~
2306 ~~nurse-practitioner~~ or physician assistant; not-for-profit,
2307 family-planning clinics that are not licensed pursuant to
2308 chapter 390; rural and federally qualified health centers;
2309 health care services provided in a nursing home licensed under
2310 part II of chapter 400, an assisted living facility licensed
2311 under part I of chapter 429, a continuing care facility licensed
2312 under chapter 651, or a retirement community consisting of
2313 independent living units and either a licensed nursing home or
2314 assisted living facility; anesthesia services provided in
2315 accordance with law; health care services provided in a
2316 designated rural health clinic; health care services provided to
2317 persons enrolled in a program designed to maintain elderly
2318 persons and persons with disabilities in a home or community-
2319 based setting; university primary care student health centers;
2320 school health clinics; or health care services provided in

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2321 federal, state, or local government facilities.

2322 Section 55. Subsection (2) of section 464.003, Florida
2323 Statutes, is amended to read:

2324 464.003 Definitions.—As used in this part, the term:

2325 (2) "Advanced or specialized nursing practice" means, in
2326 addition to the practice of professional nursing, the
2327 performance of advanced-level nursing acts approved by the board
2328 which, by virtue of postbasic specialized education, training,
2329 and experience, are appropriately performed by an advanced
2330 practice registered nurse ~~advanced registered nurse~~
2331 ~~practitioner~~. Within the context of advanced or specialized
2332 nursing practice, the advanced practice registered nurse
2333 ~~advanced registered nurse practitioner~~ may perform acts of
2334 nursing diagnosis and nursing treatment of alterations of the
2335 health status. The advanced practice registered nurse ~~advanced~~
2336 ~~registered nurse practitioner~~ may also perform acts of medical
2337 diagnosis and treatment, prescription, and operation as
2338 authorized within the framework of an established supervisory
2339 protocol. The department may, by rule, require that a copy of
2340 the protocol be filed with the department along with the notice
2341 required by s. 458.348.

2342 Section 56. Subsection (2) of section 464.004, Florida
2343 Statutes, is amended to read:

2344 464.004 Board of Nursing; membership; appointment; terms.—

2345 (2) Seven members of the board must be registered nurses
2346 who are residents of this state and who have been engaged in the
2347 practice of professional nursing for at least 4 years, including
2348 at least one advanced practice registered nurse ~~advanced~~
2349 ~~registered nurse practitioner~~, one nurse educator member of an

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2350 approved program, and one nurse executive. These seven board
2351 members should be representative of the diverse areas of
2352 practice within the nursing profession. In addition, three
2353 members of the board must be licensed practical nurses who are
2354 residents of this state and who have been actively engaged in
2355 the practice of practical nursing for at least 4 years prior to
2356 their appointment. The remaining three members must be residents
2357 of the state who have never been licensed as nurses and who are
2358 in no way connected with the practice of nursing. No person may
2359 be appointed as a lay member who is in any way connected with,
2360 or has any financial interest in, any health care facility,
2361 agency, or insurer. At least one member of the board must be 60
2362 years of age or older.

2363 Section 57. Paragraph (b) of subsection (3) of section
2364 464.013, Florida Statutes, is amended to read:

2365 464.013 Renewal of license or certificate.—

2366 (3) The board shall by rule prescribe up to 30 hours of
2367 continuing education biennially as a condition for renewal of a
2368 license or certificate.

2369 (b) Notwithstanding the exemption in paragraph (a), as part
2370 of the maximum 30 hours of continuing education hours required
2371 under this subsection, advanced practice registered nurses
2372 licensed ~~advanced registered nurse practitioners certified~~ under
2373 s. 464.012 must complete at least 3 hours of continuing
2374 education on the safe and effective prescription of controlled
2375 substances. Such continuing education courses must be offered by
2376 a statewide professional association of physicians in this state
2377 accredited to provide educational activities designated for the
2378 American Medical Association Physician's Recognition Award

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2379 Category 1 credit, the American Nurses Credentialing Center, the
2380 American Association of Nurse Anesthetists, or the American
2381 Association of Nurse Practitioners and may be offered in a
2382 distance learning format.

2383 Section 58. Subsections (5) and (8), of section 464.015,
2384 Florida Statutes, are amended to read:

2385 464.015 Titles and abbreviations; restrictions; penalty.—

2386 (5) Only persons who hold valid licenses ~~certificates~~ to
2387 practice as clinical nurse specialists in this state may use the
2388 title "Clinical Nurse Specialist" and the abbreviation "C.N.S."

2389 (8) Only persons who hold valid licenses ~~certificates~~ to
2390 practice as advanced practice registered nurses ~~advanced~~
2391 ~~registered nurse practitioners~~ in this state may use the title
2392 "Advanced Practice Registered Nurse" ~~"Advanced Registered Nurse~~
2393 ~~Practitioner"~~ and the abbreviation "A.P.R.N." ~~"A.R.N.P."~~

2394 Section 59. Subsection (9) of section 464.015, Florida
2395 Statutes, as amended by section 9 of chapter 2016-139, Laws of
2396 Florida, is amended to read:

2397 464.015 Titles and abbreviations; restrictions; penalty.—

2398 (9) A person may not practice or advertise as, or assume
2399 the title of, registered nurse, licensed practical nurse,
2400 clinical nurse specialist, certified registered nurse
2401 anesthetist, certified nurse midwife, certified nurse
2402 practitioner, or advanced practice registered nurse ~~advanced~~
2403 ~~registered nurse practitioner~~ or use the abbreviation "R.N.,"
2404 "L.P.N.," "C.N.S.," "C.R.N.A.," "C.N.M.," "C.N.P.," or
2405 "A.P.R.N.," ~~"A.R.N.P."~~ or take any other action that would lead
2406 the public to believe that person was authorized by law to
2407 practice as such or is performing nursing services pursuant to

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2408 the exception set forth in s. 464.022(8) unless that person is
2409 licensed, certified, or authorized pursuant to s. 464.0095 to
2410 practice as such.

2411 Section 60. Paragraph (a) of subsection (2) of section
2412 464.016, Florida Statutes, is amended to read:

2413 464.016 Violations and penalties.—

2414 (2) Each of the following acts constitutes a misdemeanor of
2415 the first degree, punishable as provided in s. 775.082 or s.
2416 775.083:

2417 (a) Using the name or title "Nurse," "Registered Nurse,"
2418 "Licensed Practical Nurse," "Clinical Nurse Specialist,"
2419 "Certified Registered Nurse Anesthetist," "Certified Nurse
2420 Practitioner," "Certified Nurse Midwife," "Advanced Practice
2421 Registered Nurse," "~~Advanced Registered Nurse Practitioner~~," or
2422 any other name or title which implies that a person was licensed
2423 or certified as same, unless such person is duly licensed or
2424 certified.

2425 Section 61. Paragraphs (p) and (q) of subsection (1) of
2426 section 464.018, Florida Statutes, are amended to read:

2427 464.018 Disciplinary actions.—

2428 (1) The following acts constitute grounds for denial of a
2429 license or disciplinary action, as specified in s. 456.072(2):

2430 (p) For an advanced practice registered nurse ~~advanced~~
2431 ~~registered nurse practitioner~~:

2432 1. Presigning blank prescription forms.

2433 2. Prescribing for office use any medicinal drug appearing
2434 on Schedule II in chapter 893.

2435 3. Prescribing, ordering, dispensing, administering,
2436 supplying, selling, or giving a drug that is an amphetamine, a

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2437 sympathomimetic amine drug, or a compound designated in s.
2438 893.03(2) as a Schedule II controlled substance, to or for any
2439 person except for:

2440 a. The treatment of narcolepsy; hyperkinesis; behavioral
2441 syndrome in children characterized by the developmentally
2442 inappropriate symptoms of moderate to severe distractibility,
2443 short attention span, hyperactivity, emotional lability, and
2444 impulsivity; or drug-induced brain dysfunction.

2445 b. The differential diagnostic psychiatric evaluation of
2446 depression or the treatment of depression shown to be refractory
2447 to other therapeutic modalities.

2448 c. The clinical investigation of the effects of such drugs
2449 or compounds when an investigative protocol is submitted to,
2450 reviewed by, and approved by the department before such
2451 investigation is begun.

2452 4. Prescribing, ordering, dispensing, administering,
2453 supplying, selling, or giving growth hormones, testosterone or
2454 its analogs, human chorionic gonadotropin (HCG), or other
2455 hormones for the purpose of muscle building or to enhance
2456 athletic performance. As used in this subparagraph, the term
2457 "muscle building" does not include the treatment of injured
2458 muscle. A prescription written for the drug products identified
2459 in this subparagraph may be dispensed by a pharmacist with the
2460 presumption that the prescription is for legitimate medical use.

2461 5. Promoting or advertising on any prescription form a
2462 community pharmacy unless the form also states: "This
2463 prescription may be filled at any pharmacy of your choice."

2464 6. Prescribing, dispensing, administering, mixing, or
2465 otherwise preparing a legend drug, including a controlled

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2466 substance, other than in the course of his or her professional
2467 practice. For the purposes of this subparagraph, it is legally
2468 presumed that prescribing, dispensing, administering, mixing, or
2469 otherwise preparing legend drugs, including all controlled
2470 substances, inappropriately or in excessive or inappropriate
2471 quantities is not in the best interest of the patient and is not
2472 in the course of the advanced practice registered nurse's
2473 ~~advanced registered nurse practitioner's~~ professional practice,
2474 without regard to his or her intent.

2475 7. Prescribing, dispensing, or administering a medicinal
2476 drug appearing on any schedule set forth in chapter 893 to
2477 himself or herself, except a drug prescribed, dispensed, or
2478 administered to the advanced practice registered nurse ~~advanced~~
2479 ~~registered nurse practitioner~~ by another practitioner authorized
2480 to prescribe, dispense, or administer medicinal drugs.

2481 8. Prescribing, ordering, dispensing, administering,
2482 supplying, selling, or giving amygdalin (laetrile) to any
2483 person.

2484 9. Dispensing a substance designated in s. 893.03(2) or (3)
2485 as a substance controlled in Schedule II or Schedule III,
2486 respectively, in violation of s. 465.0276.

2487 10. Promoting or advertising through any communication
2488 medium the use, sale, or dispensing of a substance designated in
2489 s. 893.03 as a controlled substance.

2490 (q) For a psychiatric nurse:

2491 1. Presigning blank prescription forms.

2492 2. Prescribing for office use any medicinal drug appearing
2493 in Schedule II of s. 893.03.

2494 3. Prescribing, ordering, dispensing, administering,

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2495 supplying, selling, or giving a drug that is an amphetamine, a
2496 sympathomimetic amine drug, or a compound designated in s.
2497 893.03(2) as a Schedule II controlled substance, to or for any
2498 person except for:

2499 a. The treatment of narcolepsy; hyperkinesis; behavioral
2500 syndrome in children characterized by the developmentally
2501 inappropriate symptoms of moderate to severe distractibility,
2502 short attention span, hyperactivity, emotional lability, and
2503 impulsivity; or drug-induced brain dysfunction.

2504 b. The differential diagnostic psychiatric evaluation of
2505 depression or the treatment of depression shown to be refractory
2506 to other therapeutic modalities.

2507 c. The clinical investigation of the effects of such drugs
2508 or compounds when an investigative protocol is submitted to,
2509 reviewed by, and approved by the department before such
2510 investigation is begun.

2511 4. Prescribing, ordering, dispensing, administering,
2512 supplying, selling, or giving growth hormones, testosterone or
2513 its analogs, human chorionic gonadotropin (HCG), or other
2514 hormones for the purpose of muscle building or to enhance
2515 athletic performance. As used in this subparagraph, the term
2516 "muscle building" does not include the treatment of injured
2517 muscle. A prescription written for the drug products identified
2518 in this subparagraph may be dispensed by a pharmacist with the
2519 presumption that the prescription is for legitimate medical use.

2520 5. Promoting or advertising on any prescription form a
2521 community pharmacy unless the form also states: "This
2522 prescription may be filled at any pharmacy of your choice."

2523 6. Prescribing, dispensing, administering, mixing, or

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2524 otherwise preparing a legend drug, including a controlled
2525 substance, other than in the course of his or her professional
2526 practice. For the purposes of this subparagraph, it is legally
2527 presumed that prescribing, dispensing, administering, mixing, or
2528 otherwise preparing legend drugs, including all controlled
2529 substances, inappropriately or in excessive or inappropriate
2530 quantities is not in the best interest of the patient and is not
2531 in the course of the advanced practice registered nurse's
2532 ~~advanced registered nurse practitioner's~~ professional practice,
2533 without regard to his or her intent.

2534 7. Prescribing, dispensing, or administering a medicinal
2535 drug appearing on any schedule set forth in chapter 893 to
2536 himself or herself, except a drug prescribed, dispensed, or
2537 administered to the psychiatric nurse by another practitioner
2538 authorized to prescribe, dispense, or administer medicinal
2539 drugs.

2540 8. Prescribing, ordering, dispensing, administering,
2541 supplying, selling, or giving amygdalin (laetrile) to any
2542 person.

2543 9. Dispensing a substance designated in s. 893.03(2) or (3)
2544 as a substance controlled in Schedule II or Schedule III,
2545 respectively, in violation of s. 465.0276.

2546 10. Promoting or advertising through any communication
2547 medium the use, sale, or dispensing of a substance designated in
2548 s. 893.03 as a controlled substance.

2549 Section 62. Paragraph (a) of subsection (4) of section
2550 464.0205, Florida Statutes, is amended to read:

2551 464.0205 Retired volunteer nurse certificate.—

2552 (4) A retired volunteer nurse receiving certification from

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2553 the board shall:

2554 (a) Work under the direct supervision of the director of a
2555 county health department, a physician working under a limited
2556 license issued pursuant to s. 458.317 or s. 459.0075, a
2557 physician licensed under chapter 458 or chapter 459, an advanced
2558 practice registered nurse licensed ~~advanced registered nurse~~
2559 ~~practitioner certified~~ under s. 464.012, or a registered nurse
2560 licensed under s. 464.008 or s. 464.009.

2561 Section 63. Subsection (2) of section 467.003, Florida
2562 Statutes, is amended to read:

2563 467.003 Definitions.—As used in this chapter, unless the
2564 context otherwise requires:

2565 (2) "Certified nurse midwife" means a person who is
2566 licensed as an advanced practice registered nurse ~~advanced~~
2567 ~~registered nurse practitioner~~ under part I of chapter 464 and
2568 who is certified to practice midwifery by the American College
2569 of Nurse Midwives.

2570 Section 64. Subsection (1) of section 480.0475, Florida
2571 Statutes, is amended to read:

2572 480.0475 Massage establishments; prohibited practices.—

2573 (1) A person may not operate a massage establishment
2574 between the hours of midnight and 5 a.m. This subsection does
2575 not apply to a massage establishment:

2576 (a) Located on the premises of a health care facility as
2577 defined in s. 408.07; a health care clinic as defined in s.
2578 400.9905(4); a hotel, motel, or bed and breakfast inn, as those
2579 terms are defined in s. 509.242; a timeshare property as defined
2580 in s. 721.05; a public airport as defined in s. 330.27; or a
2581 pari-mutuel facility as defined in s. 550.002;

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2582 (b) In which every massage performed between the hours of
2583 midnight and 5 a.m. is performed by a massage therapist acting
2584 under the prescription of a physician or physician assistant
2585 licensed under chapter 458, an osteopathic physician or
2586 physician assistant licensed under chapter 459, a chiropractic
2587 physician licensed under chapter 460, a podiatric physician
2588 licensed under chapter 461, an advanced practice registered
2589 nurse ~~advanced registered nurse practitioner~~ licensed under part
2590 I of chapter 464, or a dentist licensed under chapter 466; or

2591 (c) Operating during a special event if the county or
2592 municipality in which the establishment operates has approved
2593 such operation during the special event.

2594 Section 65. Subsection (7) of section 483.041, Florida
2595 Statutes, is amended to read:

2596 483.041 Definitions.—As used in this part, the term:

2597 (7) "Licensed practitioner" means a physician licensed
2598 under chapter 458, chapter 459, chapter 460, or chapter 461; a
2599 certified optometrist licensed under chapter 463; a dentist
2600 licensed under chapter 466; a person licensed under chapter 462;
2601 a consultant pharmacist or doctor of pharmacy licensed under
2602 chapter 465; or an advanced practice registered nurse ~~advanced~~
2603 ~~registered nurse practitioner~~ licensed under part I of chapter
2604 464; or a duly licensed practitioner from another state licensed
2605 under similar statutes who orders examinations on materials or
2606 specimens for nonresidents of the State of Florida, but who
2607 reside in the same state as the requesting licensed
2608 practitioner.

2609 Section 66. Subsection (5) of section 483.801, Florida
2610 Statutes, is amended to read:

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2611 483.801 Exemptions.—This part applies to all clinical
2612 laboratories and clinical laboratory personnel within this
2613 state, except:

2614 (5) Advanced practice registered nurses ~~advanced registered~~
2615 ~~nurse practitioners~~ licensed under part I of chapter 464 who
2616 perform provider-performed microscopy procedures (PPMP) in an
2617 exclusive-use laboratory setting.

2618 Section 67. Paragraph (a) of subsection (11) of section
2619 486.021, Florida Statutes, is amended to read:

2620 486.021 Definitions.—In this chapter, unless the context
2621 otherwise requires, the term:

2622 (11) "Practice of physical therapy" means the performance
2623 of physical therapy assessments and the treatment of any
2624 disability, injury, disease, or other health condition of human
2625 beings, or the prevention of such disability, injury, disease,
2626 or other condition of health, and rehabilitation as related
2627 thereto by the use of the physical, chemical, and other
2628 properties of air; electricity; exercise; massage; the
2629 performance of acupuncture only upon compliance with the
2630 criteria set forth by the Board of Medicine, when no penetration
2631 of the skin occurs; the use of radiant energy, including
2632 ultraviolet, visible, and infrared rays; ultrasound; water; the
2633 use of apparatus and equipment in the application of the
2634 foregoing or related thereto; the performance of tests of
2635 neuromuscular functions as an aid to the diagnosis or treatment
2636 of any human condition; or the performance of electromyography
2637 as an aid to the diagnosis of any human condition only upon
2638 compliance with the criteria set forth by the Board of Medicine.

2639 (a) A physical therapist may implement a plan of treatment

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2640 developed by the physical therapist for a patient or provided
2641 for a patient by a practitioner of record or by an advanced
2642 practice registered nurse ~~advanced registered nurse practitioner~~
2643 licensed under s. 464.012. The physical therapist shall refer
2644 the patient to or consult with a practitioner of record if the
2645 patient's condition is found to be outside the scope of physical
2646 therapy. If physical therapy treatment for a patient is required
2647 beyond 30 days for a condition not previously assessed by a
2648 practitioner of record, the physical therapist shall have a
2649 practitioner of record review and sign the plan. The requirement
2650 that a physical therapist have a practitioner of record review
2651 and sign a plan of treatment does not apply when a patient has
2652 been physically examined by a physician licensed in another
2653 state, the patient has been diagnosed by the physician as having
2654 a condition for which physical therapy is required, and the
2655 physical therapist is treating the condition. For purposes of
2656 this paragraph, a health care practitioner licensed under
2657 chapter 458, chapter 459, chapter 460, chapter 461, or chapter
2658 466 and engaged in active practice is eligible to serve as a
2659 practitioner of record.

2660 Section 68. Paragraph (d) of subsection (1) of section
2661 490.012, Florida Statutes, is amended to read:

2662 490.012 Violations; penalties; injunction.-

2663 (1)

2664 (d) A person may not ~~No person shall~~ hold herself or
2665 himself out by any title or description incorporating the word,
2666 or a permutation of the word, "psychotherapy" unless such person
2667 holds a valid, active license under chapter 458, chapter 459,
2668 chapter 490, or chapter 491, or such person is licensed

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2669 ~~certified~~ as an advanced practice registered nurse under
2670 ~~advanced registered nurse practitioner, pursuant to s. 464.012,~~
2671 who has been determined by the Board of Nursing as a specialist
2672 in psychiatric mental health.

2673 Section 69. Subsection (1) of section 491.0057, Florida
2674 Statutes, is amended to read:

2675 491.0057 Dual licensure as a marriage and family
2676 therapist.—The department shall license as a marriage and family
2677 therapist any person who demonstrates to the board that he or
2678 she:

2679 (1) Holds a valid, active license as a psychologist under
2680 chapter 490 or as a clinical social worker or mental health
2681 counselor under this chapter, or is licensed ~~certified~~ under s.
2682 464.012 as an advanced practice registered nurse ~~advanced~~
2683 ~~registered nurse practitioner~~ who has been determined by the
2684 Board of Nursing as a specialist in psychiatric mental health.

2685 Section 70. Paragraph (d) of subsection (1) and subsection
2686 (2) of section 491.012, Florida Statutes, are amended to read:

2687 491.012 Violations; penalty; injunction.—

2688 (1) It is unlawful and a violation of this chapter for any
2689 person to:

2690 (d) Use the terms psychotherapist, sex therapist, or
2691 juvenile sexual offender therapist unless such person is
2692 licensed pursuant to this chapter or chapter 490, or is licensed
2693 ~~certified~~ under s. 464.012 as an advanced practice registered
2694 nurse ~~advanced registered nurse practitioner~~ who has been
2695 determined by the Board of Nursing as a specialist in
2696 psychiatric mental health and the use of such terms is within
2697 the scope of her or his practice based on education, training,

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2698 and licensure.

2699 (2) It is unlawful and a violation of this chapter for any
2700 person to describe her or his services using the following terms
2701 or any derivative thereof, unless such person holds a valid,
2702 active license under this chapter or chapter 490, or is licensed
2703 ~~certified~~ under s. 464.012 as an advanced practice registered
2704 nurse ~~advanced registered nurse practitioner~~ who has been
2705 determined by the Board of Nursing as a specialist in
2706 psychiatric mental health and the use of such terms is within
2707 the scope of her or his practice based on education, training,
2708 and licensure:

- 2709 (a) "Psychotherapy."
2710 (b) "Sex therapy."
2711 (c) "Sex counseling."
2712 (d) "Clinical social work."
2713 (e) "Psychiatric social work."
2714 (f) "Marriage and family therapy."
2715 (g) "Marriage and family counseling."
2716 (h) "Marriage counseling."
2717 (i) "Family counseling."
2718 (j) "Mental health counseling."

2719 Section 71. Subsection (2) of section 493.6108, Florida
2720 Statutes, is amended to read:

2721 493.6108 Investigation of applicants by Department of
2722 Agriculture and Consumer Services.—

2723 (2) In addition to subsection (1), the department shall
2724 make an investigation of the general physical fitness of the
2725 Class "G" applicant to bear a weapon or firearm. Determination
2726 of physical fitness shall be certified by a physician or

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2727 physician assistant currently licensed pursuant to chapter 458,
 2728 chapter 459, or any similar law of another state or authorized
 2729 to act as a licensed physician by a federal agency or department
 2730 or by an advanced practice registered nurse ~~advanced registered~~
 2731 ~~nurse practitioner~~ currently licensed pursuant to chapter 464.
 2732 Such certification shall be submitted on a form provided by the
 2733 department.

2734 Section 72. Paragraph (b) of subsection (1) of section
 2735 627.357, Florida Statutes, is amended to read:

2736 627.357 Medical malpractice self-insurance.—

2737 (1) DEFINITIONS.—As used in this section, the term:

2738 (b) "Health care provider" means any:

2739 1. Hospital licensed under chapter 395.

2740 2. Physician licensed, or physician assistant licensed,
 2741 under chapter 458.

2742 3. Osteopathic physician or physician assistant licensed
 2743 under chapter 459.

2744 4. Podiatric physician licensed under chapter 461.

2745 5. Health maintenance organization certificated under part
 2746 I of chapter 641.

2747 6. Ambulatory surgical center licensed under chapter 395.

2748 7. Chiropractic physician licensed under chapter 460.

2749 8. Psychologist licensed under chapter 490.

2750 9. Optometrist licensed under chapter 463.

2751 10. Dentist licensed under chapter 466.

2752 11. Pharmacist licensed under chapter 465.

2753 12. Registered nurse, licensed practical nurse, or advanced
 2754 practice registered nurse ~~advanced registered nurse practitioner~~
 2755 licensed or registered under part I of chapter 464.

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2756 13. Other medical facility.

2757 14. Professional association, partnership, corporation,
2758 joint venture, or other association established by the
2759 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,
2760 10., 11., and 12. for professional activity.

2761 Section 73. Subsection (6) of section 627.6471, Florida
2762 Statutes, is amended to read:

2763 627.6471 Contracts for reduced rates of payment;
2764 limitations; coinsurance and deductibles.—

2765 (6) If psychotherapeutic services are covered by a policy
2766 issued by the insurer, the insurer shall provide eligibility
2767 criteria for each group of health care providers licensed under
2768 chapter 458, chapter 459, chapter 490, or chapter 491, which
2769 include psychotherapy within the scope of their practice as
2770 provided by law, or for any person who is licensed ~~certified~~ as
2771 an advanced practice registered nurse ~~advanced registered nurse~~
2772 ~~practitioner~~ in psychiatric mental health under s. 464.012. When
2773 psychotherapeutic services are covered, eligibility criteria
2774 shall be established by the insurer to be included in the
2775 insurer's criteria for selection of network providers. The
2776 insurer may not discriminate against a health care provider by
2777 excluding such practitioner from its provider network solely on
2778 the basis of the practitioner's license.

2779 Section 74. Subsections (15) and (17) of section 627.6472,
2780 Florida Statutes, are amended to read:

2781 627.6472 Exclusive provider organizations.—

2782 (15) If psychotherapeutic services are covered by a policy
2783 issued by the insurer, the insurer shall provide eligibility
2784 criteria for all groups of health care providers licensed under

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2785 chapter 458, chapter 459, chapter 490, or chapter 491, which
2786 include psychotherapy within the scope of their practice as
2787 provided by law, or for any person who is licensed ~~certified~~ as
2788 an advanced practice registered nurse ~~advanced registered nurse~~
2789 ~~practitioner~~ in psychiatric mental health under s. 464.012. When
2790 psychotherapeutic services are covered, eligibility criteria
2791 shall be established by the insurer to be included in the
2792 insurer's criteria for selection of network providers. The
2793 insurer may not discriminate against a health care provider by
2794 excluding such practitioner from its provider network solely on
2795 the basis of the practitioner's license.

2796 (17) An exclusive provider organization shall not
2797 discriminate with respect to participation as to any advanced
2798 practice registered nurse ~~advanced registered nurse practitioner~~
2799 ~~licensed and certified~~ pursuant to s. 464.012, who is acting
2800 within the scope of such license ~~and certification~~, solely on
2801 the basis of such license ~~or certification~~. This subsection
2802 shall not be construed to prohibit a plan from including
2803 providers only to the extent necessary to meet the needs of the
2804 plan's enrollees or from establishing any measure designed to
2805 maintain quality and control costs consistent with the
2806 responsibilities of the plan.

2807 Section 75. Paragraph (a) of subsection (1) of section
2808 627.736, Florida Statutes, is amended to read:

2809 627.736 Required personal injury protection benefits;
2810 exclusions; priority; claims.—

2811 (1) REQUIRED BENEFITS.—An insurance policy complying with
2812 the security requirements of s. 627.733 must provide personal
2813 injury protection to the named insured, relatives residing in

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2814 the same household, persons operating the insured motor vehicle,
2815 passengers in the motor vehicle, and other persons struck by the
2816 motor vehicle and suffering bodily injury while not an occupant
2817 of a self-propelled vehicle, subject to subsection (2) and
2818 paragraph (4) (e), to a limit of \$10,000 in medical and
2819 disability benefits and \$5,000 in death benefits resulting from
2820 bodily injury, sickness, disease, or death arising out of the
2821 ownership, maintenance, or use of a motor vehicle as follows:

2822 (a) *Medical benefits.*—Eighty percent of all reasonable
2823 expenses for medically necessary medical, surgical, X-ray,
2824 dental, and rehabilitative services, including prosthetic
2825 devices and medically necessary ambulance, hospital, and nursing
2826 services if the individual receives initial services and care
2827 pursuant to subparagraph 1. within 14 days after the motor
2828 vehicle accident. The medical benefits provide reimbursement
2829 only for:

2830 1. Initial services and care that are lawfully provided,
2831 supervised, ordered, or prescribed by a physician licensed under
2832 chapter 458 or chapter 459, a dentist licensed under chapter
2833 466, or a chiropractic physician licensed under chapter 460 or
2834 that are provided in a hospital or in a facility that owns, or
2835 is wholly owned by, a hospital. Initial services and care may
2836 also be provided by a person or entity licensed under part III
2837 of chapter 401 which provides emergency transportation and
2838 treatment.

2839 2. Upon referral by a provider described in subparagraph
2840 1., followup services and care consistent with the underlying
2841 medical diagnosis rendered pursuant to subparagraph 1. which may
2842 be provided, supervised, ordered, or prescribed only by a

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2843 physician licensed under chapter 458 or chapter 459, a
2844 chiropractic physician licensed under chapter 460, a dentist
2845 licensed under chapter 466, or, to the extent permitted by
2846 applicable law and under the supervision of such physician,
2847 osteopathic physician, chiropractic physician, or dentist, by a
2848 physician assistant licensed under chapter 458 or chapter 459 or
2849 an advanced practice registered nurse ~~advanced registered nurse~~
2850 ~~practitioner~~ licensed under chapter 464. Followup services and
2851 care may also be provided by the following persons or entities:

2852 a. A hospital or ambulatory surgical center licensed under
2853 chapter 395.

2854 b. An entity wholly owned by one or more physicians
2855 licensed under chapter 458 or chapter 459, chiropractic
2856 physicians licensed under chapter 460, or dentists licensed
2857 under chapter 466 or by such practitioners and the spouse,
2858 parent, child, or sibling of such practitioners.

2859 c. An entity that owns or is wholly owned, directly or
2860 indirectly, by a hospital or hospitals.

2861 d. A physical therapist licensed under chapter 486, based
2862 upon a referral by a provider described in this subparagraph.

2863 e. A health care clinic licensed under part X of chapter
2864 400 which is accredited by an accrediting organization whose
2865 standards incorporate comparable regulations required by this
2866 state, or

2867 (I) Has a medical director licensed under chapter 458,
2868 chapter 459, or chapter 460;

2869 (II) Has been continuously licensed for more than 3 years
2870 or is a publicly traded corporation that issues securities
2871 traded on an exchange registered with the United States

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2872 Securities and Exchange Commission as a national securities
2873 exchange; and

2874 (III) Provides at least four of the following medical
2875 specialties:

2876 (A) General medicine.

2877 (B) Radiography.

2878 (C) Orthopedic medicine.

2879 (D) Physical medicine.

2880 (E) Physical therapy.

2881 (F) Physical rehabilitation.

2882 (G) Prescribing or dispensing outpatient prescription
2883 medication.

2884 (H) Laboratory services.

2885 3. Reimbursement for services and care provided in
2886 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
2887 licensed under chapter 458 or chapter 459, a dentist licensed
2888 under chapter 466, a physician assistant licensed under chapter
2889 458 or chapter 459, or an advanced practice registered nurse
2890 ~~advanced registered nurse practitioner~~ licensed under chapter
2891 464 has determined that the injured person had an emergency
2892 medical condition.

2893 4. Reimbursement for services and care provided in
2894 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
2895 provider listed in subparagraph 1. or subparagraph 2. determines
2896 that the injured person did not have an emergency medical
2897 condition.

2898 5. Medical benefits do not include massage as defined in s.
2899 480.033 or acupuncture as defined in s. 457.102, regardless of
2900 the person, entity, or licensee providing massage or

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2901 acupuncture, and a licensed massage therapist or licensed
2902 acupuncturist may not be reimbursed for medical benefits under
2903 this section.

2904 6. The Financial Services Commission shall adopt by rule
2905 the form that must be used by an insurer and a health care
2906 provider specified in sub-subparagraph 2.b., sub-subparagraph
2907 2.c., or sub-subparagraph 2.e. to document that the health care
2908 provider meets the criteria of this paragraph. Such rule must
2909 include a requirement for a sworn statement or affidavit.

2910
2911 Only insurers writing motor vehicle liability insurance in this
2912 state may provide the required benefits of this section, and
2913 such insurer may not require the purchase of any other motor
2914 vehicle coverage other than the purchase of property damage
2915 liability coverage as required by s. 627.7275 as a condition for
2916 providing such benefits. Insurers may not require that property
2917 damage liability insurance in an amount greater than \$10,000 be
2918 purchased in conjunction with personal injury protection. Such
2919 insurers shall make benefits and required property damage
2920 liability insurance coverage available through normal marketing
2921 channels. An insurer writing motor vehicle liability insurance
2922 in this state who fails to comply with such availability
2923 requirement as a general business practice violates part IX of
2924 chapter 626, and such violation constitutes an unfair method of
2925 competition or an unfair or deceptive act or practice involving
2926 the business of insurance. An insurer committing such violation
2927 is subject to the penalties provided under that part, as well as
2928 those provided elsewhere in the insurance code.

2929 Section 76. Subsection (5) of section 633.412, Florida

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2930 Statutes, is amended to read:

2931 633.412 Firefighters; qualifications for certification.—A
2932 person applying for certification as a firefighter must:

2933 (5) Be in good physical condition as determined by a
2934 medical examination given by a physician, surgeon, or physician
2935 assistant licensed to practice in the state pursuant to chapter
2936 458; an osteopathic physician, surgeon, or physician assistant
2937 licensed to practice in the state pursuant to chapter 459; or an
2938 advanced practice registered nurse ~~advanced registered nurse~~
2939 ~~practitioner~~ licensed to practice in the state pursuant to
2940 chapter 464. Such examination may include, but need not be
2941 limited to, the National Fire Protection Association Standard
2942 1582. A medical examination evidencing good physical condition
2943 shall be submitted to the division, on a form as provided by
2944 rule, before an individual is eligible for admission into a
2945 course under s. 633.408.

2946 Section 77. Section 641.3923, Florida Statutes, is amended
2947 to read:

2948 641.3923 Discrimination against providers prohibited.—A
2949 health maintenance organization may ~~shall~~ not discriminate with
2950 respect to participation as to any advanced practice registered
2951 nurse ~~advanced registered nurse practitioner~~ licensed and
2952 ~~certified~~ pursuant to s. 464.012, who is acting within the scope
2953 of such license ~~and certification~~, solely on the basis of such
2954 license ~~or certification~~. This section may ~~shall~~ not be
2955 construed to prohibit a plan from including providers only to
2956 the extent necessary to meet the needs of the plan's enrollees
2957 or from establishing any measure designed to maintain quality
2958 and control costs consistent with the responsibilities of the

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2959 plan.

2960 Section 78. Subsection (3) of section 766.103, Florida
2961 Statutes, is amended to read:

2962 766.103 Florida Medical Consent Law.—

2963 (3) No recovery shall be allowed in any court in this state
2964 against any physician licensed under chapter 458, osteopathic
2965 physician licensed under chapter 459, chiropractic physician
2966 licensed under chapter 460, podiatric physician licensed under
2967 chapter 461, dentist licensed under chapter 466, advanced
2968 practice registered nurse licensed ~~advanced registered nurse~~
2969 ~~practitioner certified~~ under s. 464.012, or physician assistant
2970 licensed under s. 458.347 or s. 459.022 in an action brought for
2971 treating, examining, or operating on a patient without his or
2972 her informed consent when:

2973 (a)1. The action of the physician, osteopathic physician,
2974 chiropractic physician, podiatric physician, dentist, advanced
2975 practice registered nurse ~~advanced registered nurse~~
2976 ~~practitioner~~, or physician assistant in obtaining the consent of
2977 the patient or another person authorized to give consent for the
2978 patient was in accordance with an accepted standard of medical
2979 practice among members of the medical profession with similar
2980 training and experience in the same or similar medical community
2981 as that of the person treating, examining, or operating on the
2982 patient for whom the consent is obtained; and

2983 2. A reasonable individual, from the information provided
2984 by the physician, osteopathic physician, chiropractic physician,
2985 podiatric physician, dentist, advanced practice registered nurse
2986 ~~advanced registered nurse practitioner~~, or physician assistant,
2987 under the circumstances, would have a general understanding of

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2988 the procedure, the medically acceptable alternative procedures
2989 or treatments, and the substantial risks and hazards inherent in
2990 the proposed treatment or procedures, which are recognized among
2991 other physicians, osteopathic physicians, chiropractic
2992 physicians, podiatric physicians, or dentists in the same or
2993 similar community who perform similar treatments or procedures;
2994 or

2995 (b) The patient would reasonably, under all the surrounding
2996 circumstances, have undergone such treatment or procedure had he
2997 or she been advised by the physician, osteopathic physician,
2998 chiropractic physician, podiatric physician, dentist, advanced
2999 practice registered nurse ~~advanced registered nurse~~
3000 ~~practitioner~~, or physician assistant in accordance with the
3001 provisions of paragraph (a).

3002 Section 79. Paragraph (d) of subsection (3) of section
3003 766.1115, Florida Statutes, is amended to read:

3004 766.1115 Health care providers; creation of agency
3005 relationship with governmental contractors.—

3006 (3) DEFINITIONS.—As used in this section, the term:

3007 (d) "Health care provider" or "provider" means:

- 3008 1. A birth center licensed under chapter 383.
- 3009 2. An ambulatory surgical center licensed under chapter
3010 395.
- 3011 3. A hospital licensed under chapter 395.
- 3012 4. A physician or physician assistant licensed under
3013 chapter 458.
- 3014 5. An osteopathic physician or osteopathic physician
3015 assistant licensed under chapter 459.
- 3016 6. A chiropractic physician licensed under chapter 460.

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- 3017 7. A podiatric physician licensed under chapter 461.
- 3018 8. A registered nurse, nurse midwife, licensed practical
3019 nurse, or advanced practice registered nurse ~~advanced registered~~
3020 ~~nurse practitioner~~ licensed or registered under part I of
3021 chapter 464 or any facility which employs nurses licensed or
3022 registered under part I of chapter 464 to supply all or part of
3023 the care delivered under this section.
- 3024 9. A midwife licensed under chapter 467.
- 3025 10. A health maintenance organization certificated under
3026 part I of chapter 641.
- 3027 11. A health care professional association and its
3028 employees or a corporate medical group and its employees.
- 3029 12. Any other medical facility the primary purpose of which
3030 is to deliver human medical diagnostic services or which
3031 delivers nonsurgical human medical treatment, and which includes
3032 an office maintained by a provider.
- 3033 13. A dentist or dental hygienist licensed under chapter
3034 466.
- 3035 14. A free clinic that delivers only medical diagnostic
3036 services or nonsurgical medical treatment free of charge to all
3037 low-income recipients.
- 3038 15. Any other health care professional, practitioner,
3039 provider, or facility under contract with a governmental
3040 contractor, including a student enrolled in an accredited
3041 program that prepares the student for licensure as any one of
3042 the professionals listed in subparagraphs 4.-9.
- 3043
- 3044 The term includes any nonprofit corporation qualified as exempt
3045 from federal income taxation under s. 501(a) of the Internal

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3046 Revenue Code, and described in s. 501(c) of the Internal Revenue
3047 Code, which delivers health care services provided by licensed
3048 professionals listed in this paragraph, any federally funded
3049 community health center, and any volunteer corporation or
3050 volunteer health care provider that delivers health care
3051 services.

3052 Section 80. Subsection (1) of section 766.1116, Florida
3053 Statutes, is amended to read:

3054 766.1116 Health care practitioner; waiver of license
3055 renewal fees and continuing education requirements.—

3056 (1) As used in this section, the term "health care
3057 practitioner" means a physician or physician assistant licensed
3058 under chapter 458; an osteopathic physician or physician
3059 assistant licensed under chapter 459; a chiropractic physician
3060 licensed under chapter 460; a podiatric physician licensed under
3061 chapter 461; an advanced practice registered nurse ~~advanced~~
3062 ~~registered nurse practitioner~~, registered nurse, or licensed
3063 practical nurse licensed under part I of chapter 464; a dentist
3064 or dental hygienist licensed under chapter 466; or a midwife
3065 licensed under chapter 467, who participates as a health care
3066 provider under s. 766.1115.

3067 Section 81. Paragraph (c) of subsection (1) of section
3068 766.118, Florida Statutes, is amended to read:

3069 766.118 Determination of noneconomic damages.—

3070 (1) DEFINITIONS.—As used in this section, the term:

3071 (c) "Practitioner" means any person licensed under chapter
3072 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter
3073 463, chapter 466, chapter 467, ~~or~~ chapter 486 or ~~certified under~~
3074 s. 464.012. "Practitioner" also means any association,

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3075 corporation, firm, partnership, or other business entity under
3076 which such practitioner practices or any employee of such
3077 practitioner or entity acting in the scope of his or her
3078 employment. For the purpose of determining the limitations on
3079 noneconomic damages set forth in this section, the term
3080 "practitioner" includes any person or entity for whom a
3081 practitioner is vicariously liable and any person or entity
3082 whose liability is based solely on such person or entity being
3083 vicariously liable for the actions of a practitioner.

3084 Section 82. Subsection (5) of section 794.08, Florida
3085 Statutes, is amended to read:

3086 794.08 Female genital mutilation.—

3087 (5) This section does not apply to procedures performed by
3088 or under the direction of a physician licensed under chapter
3089 458, an osteopathic physician licensed under chapter 459, a
3090 registered nurse licensed under part I of chapter 464, a
3091 practical nurse licensed under part I of chapter 464, an
3092 advanced practice registered nurse ~~advanced registered nurse~~
3093 ~~practitioner~~ licensed under part I of chapter 464, a midwife
3094 licensed under chapter 467, or a physician assistant licensed
3095 under chapter 458 or chapter 459 when necessary to preserve the
3096 physical health of a female person. This section also does not
3097 apply to any autopsy or limited dissection conducted pursuant to
3098 chapter 406.

3099 Section 83. Subsection (23) of section 893.02, Florida
3100 Statutes, is amended to read:

3101 893.02 Definitions.—The following words and phrases as used
3102 in this chapter shall have the following meanings, unless the
3103 context otherwise requires:

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3104 (23) "Practitioner" means a physician licensed under
3105 chapter 458, a dentist licensed under chapter 466, a
3106 veterinarian licensed under chapter 474, an osteopathic
3107 physician licensed under chapter 459, an advanced practice
3108 registered nurse licensed ~~advanced registered nurse practitioner~~
3109 ~~certified~~ under chapter 464, a naturopath licensed under chapter
3110 462, a certified optometrist licensed under chapter 463, a
3111 psychiatric nurse as defined in s. 394.455, a podiatric
3112 physician licensed under chapter 461, or a physician assistant
3113 licensed under chapter 458 or chapter 459, provided such
3114 practitioner holds a valid federal controlled substance registry
3115 number.

3116 Section 84. Paragraph (b) of subsection (1) of section
3117 893.05, Florida Statutes, is amended to read:

3118 893.05 Practitioners and persons administering controlled
3119 substances in their absence.—

3120 (1)

3121 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
3122 464.012(3), as applicable, a practitioner who supervises a
3123 licensed physician assistant or advanced practice registered
3124 nurse ~~advanced registered nurse practitioner~~ may authorize the
3125 licensed physician assistant or advanced practice registered
3126 nurse ~~advanced registered nurse practitioner~~ to order controlled
3127 substances for administration to a patient in a facility
3128 licensed under chapter 395 or part II of chapter 400.

3129 Section 85. Subsection (6) of section 943.13, Florida
3130 Statutes, is amended to read:

3131 943.13 Officers' minimum qualifications for employment or
3132 appointment.—On or after October 1, 1984, any person employed or

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3133 appointed as a full-time, part-time, or auxiliary law
3134 enforcement officer or correctional officer; on or after October
3135 1, 1986, any person employed as a full-time, part-time, or
3136 auxiliary correctional probation officer; and on or after
3137 October 1, 1986, any person employed as a full-time, part-time,
3138 or auxiliary correctional officer by a private entity under
3139 contract to the Department of Corrections, to a county
3140 commission, or to the Department of Management Services shall:

3141 (6) Have passed a physical examination by a licensed
3142 physician, physician assistant, or licensed advanced practice
3143 registered nurse ~~certified advanced registered nurse~~
3144 ~~practitioner~~, based on specifications established by the
3145 commission. In order to be eligible for the presumption set
3146 forth in s. 112.18 while employed with an employing agency, a
3147 law enforcement officer, correctional officer, or correctional
3148 probation officer must have successfully passed the physical
3149 examination required by this subsection upon entering into
3150 service as a law enforcement officer, correctional officer, or
3151 correctional probation officer with the employing agency, which
3152 examination must have failed to reveal any evidence of
3153 tuberculosis, heart disease, or hypertension. A law enforcement
3154 officer, correctional officer, or correctional probation officer
3155 may not use a physical examination from a former employing
3156 agency for purposes of claiming the presumption set forth in s.
3157 112.18 against the current employing agency.

3158 Section 86. Paragraph (n) of subsection (1) of section
3159 948.03, Florida Statutes, is amended to read:

3160 948.03 Terms and conditions of probation.—

3161 (1) The court shall determine the terms and conditions of

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3162 probation. Conditions specified in this section do not require
3163 oral pronouncement at the time of sentencing and may be
3164 considered standard conditions of probation. These conditions
3165 may include among them the following, that the probationer or
3166 offender in community control shall:

3167 (n) Be prohibited from using intoxicants to excess or
3168 possessing any drugs or narcotics unless prescribed by a
3169 physician, an advanced practice registered nurse ~~advanced~~
3170 ~~registered nurse practitioner~~, or a physician assistant. The
3171 probationer or community controllee may not knowingly visit
3172 places where intoxicants, drugs, or other dangerous substances
3173 are unlawfully sold, dispensed, or used.

3174 Section 87. Paragraph (i) of subsection (3) of section
3175 1002.20, Florida Statutes, is amended to read:

3176 1002.20 K-12 student and parent rights.—Parents of public
3177 school students must receive accurate and timely information
3178 regarding their child's academic progress and must be informed
3179 of ways they can help their child to succeed in school. K-12
3180 students and their parents are afforded numerous statutory
3181 rights including, but not limited to, the following:

3182 (3) HEALTH ISSUES.—

3183 (i) *Epinephrine use and supply*.—

3184 1. A student who has experienced or is at risk for life-
3185 threatening allergic reactions may carry an epinephrine auto-
3186 injector and self-administer epinephrine by auto-injector while
3187 in school, participating in school-sponsored activities, or in
3188 transit to or from school or school-sponsored activities if the
3189 school has been provided with parental and physician
3190 authorization. The State Board of Education, in cooperation with

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3191 the Department of Health, shall adopt rules for such use of
3192 epinephrine auto-injectors that shall include provisions to
3193 protect the safety of all students from the misuse or abuse of
3194 auto-injectors. A school district, county health department,
3195 public-private partner, and their employees and volunteers shall
3196 be indemnified by the parent of a student authorized to carry an
3197 epinephrine auto-injector for any and all liability with respect
3198 to the student's use of an epinephrine auto-injector pursuant to
3199 this paragraph.

3200 2. A public school may purchase a supply of epinephrine
3201 auto-injectors from a wholesale distributor as defined in s.
3202 499.003 or may enter into an arrangement with a wholesale
3203 distributor or manufacturer as defined in s. 499.003 for the
3204 epinephrine auto-injectors at fair-market, free, or reduced
3205 prices for use in the event a student has an anaphylactic
3206 reaction. The epinephrine auto-injectors must be maintained in a
3207 secure location on the public school's premises. The
3208 participating school district shall adopt a protocol developed
3209 by a licensed physician for the administration by school
3210 personnel who are trained to recognize an anaphylactic reaction
3211 and to administer an epinephrine auto-injection. The supply of
3212 epinephrine auto-injectors may be provided to and used by a
3213 student authorized to self-administer epinephrine by auto-
3214 injector under subparagraph 1. or trained school personnel.

3215 3. The school district and its employees, agents, and the
3216 physician who provides the standing protocol for school
3217 epinephrine auto-injectors are not liable for any injury arising
3218 from the use of an epinephrine auto-injector administered by
3219 trained school personnel who follow the adopted protocol and

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3220 whose professional opinion is that the student is having an
3221 anaphylactic reaction:

3222 a. Unless the trained school personnel's action is willful
3223 and wanton;

3224 b. Notwithstanding that the parents or guardians of the
3225 student to whom the epinephrine is administered have not been
3226 provided notice or have not signed a statement acknowledging
3227 that the school district is not liable; and

3228 c. Regardless of whether authorization has been given by
3229 the student's parents or guardians or by the student's
3230 physician, physician's assistant, or advanced practice
3231 registered nurse ~~advanced registered nurse practitioner~~.

3232 Section 88. Paragraph (b) of subsection (17) of section
3233 1002.42, Florida Statutes, is amended to read:

3234 1002.42 Private schools.—

3235 (17) EPINEPHRINE SUPPLY.—

3236 (b) The private school and its employees, agents, and the
3237 physician who provides the standing protocol for school
3238 epinephrine auto-injectors are not liable for any injury arising
3239 from the use of an epinephrine auto-injector administered by
3240 trained school personnel who follow the adopted protocol and
3241 whose professional opinion is that the student is having an
3242 anaphylactic reaction:

3243 1. Unless the trained school personnel's action is willful
3244 and wanton;

3245 2. Notwithstanding that the parents or guardians of the
3246 student to whom the epinephrine is administered have not been
3247 provided notice or have not signed a statement acknowledging
3248 that the school district is not liable; and

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3249 3. Regardless of whether authorization has been given by
3250 the student's parents or guardians or by the student's
3251 physician, physician's assistant, or advanced practice
3252 registered nurse ~~advanced registered nurse practitioner~~.

3253 Section 89. Subsections (4) and (5) of section 1006.062,
3254 Florida Statutes, are amended to read:

3255 1006.062 Administration of medication and provision of
3256 medical services by district school board personnel.—

3257 (4) Nonmedical assistive personnel shall be allowed to
3258 perform health-related services upon successful completion of
3259 child-specific training by a registered nurse or advanced
3260 practice registered nurse ~~advanced registered nurse practitioner~~
3261 licensed under chapter 464, a physician licensed pursuant to
3262 chapter 458 or chapter 459, or a physician assistant licensed
3263 pursuant to chapter 458 or chapter 459. All procedures shall be
3264 monitored periodically by a nurse, advanced practice registered
3265 nurse ~~advanced registered nurse practitioner~~, physician
3266 assistant, or physician, including, but not limited to:

3267 (a) Intermittent clean catheterization.

3268 (b) Gastrostomy tube feeding.

3269 (c) Monitoring blood glucose.

3270 (d) Administering emergency injectable medication.

3271 (5) For all other invasive medical services not listed in
3272 this subsection, a registered nurse or advanced practice
3273 registered nurse ~~advanced registered nurse practitioner~~ licensed
3274 under chapter 464, a physician licensed pursuant to chapter 458
3275 or chapter 459, or a physician assistant licensed pursuant to
3276 chapter 458 or chapter 459 shall determine if nonmedical
3277 district school board personnel shall be allowed to perform such

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3278 service.

3279 Section 90. Subsection (1) and paragraph (a) of subsection
3280 (2) of section 1009.65, Florida Statutes, are amended to read:

3281 1009.65 Medical Education Reimbursement and Loan Repayment
3282 Program.—

3283 (1) To encourage qualified medical professionals to
3284 practice in underserved locations where there are shortages of
3285 such personnel, there is established the Medical Education
3286 Reimbursement and Loan Repayment Program. The function of the
3287 program is to make payments that offset loans and educational
3288 expenses incurred by students for studies leading to a medical
3289 or nursing degree, medical or nursing licensure, or advanced
3290 practice registered nurse licensure ~~advanced registered nurse~~
3291 ~~practitioner certification~~ or physician assistant licensure. The
3292 following licensed or certified health care professionals are
3293 eligible to participate in this program: medical doctors with
3294 primary care specialties, doctors of osteopathic medicine with
3295 primary care specialties, physician's assistants, licensed
3296 practical nurses and registered nurses, and advanced practice
3297 registered nurses ~~advanced registered nurse practitioners~~ with
3298 primary care specialties such as certified nurse midwives.
3299 Primary care medical specialties for physicians include
3300 obstetrics, gynecology, general and family practice, internal
3301 medicine, pediatrics, and other specialties which may be
3302 identified by the Department of Health.

3303 (2) From the funds available, the Department of Health
3304 shall make payments to selected medical professionals as
3305 follows:

3306 (a) Up to \$4,000 per year for licensed practical nurses and

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3307 registered nurses, up to \$10,000 per year for advanced practice
3308 registered nurses ~~advanced registered nurse practitioners~~ and
3309 physician's assistants, and up to \$20,000 per year for
3310 physicians. Penalties for noncompliance shall be the same as
3311 those in the National Health Services Corps Loan Repayment
3312 Program. Educational expenses include costs for tuition,
3313 matriculation, registration, books, laboratory and other fees,
3314 other educational costs, and reasonable living expenses as
3315 determined by the Department of Health.

3316 Section 91. Subsection (2) of section 1009.66, Florida
3317 Statutes, is amended to read:

3318 1009.66 Nursing Student Loan Forgiveness Program.—

3319 (2) To be eligible, a candidate must have graduated from an
3320 accredited or approved nursing program and have received a
3321 Florida license as a licensed practical nurse or a registered
3322 nurse or a Florida license ~~certificate~~ as an advanced practice
3323 registered nurse ~~advanced registered nurse practitioner~~.

3324 Section 92. Subsection (3) of section 1009.67, Florida
3325 Statutes, is amended to read:

3326 1009.67 Nursing scholarship program.—

3327 (3) A scholarship may be awarded for no more than 2 years,
3328 in an amount not to exceed \$8,000 per year. However, registered
3329 nurses pursuing a graduate degree for a faculty position or to
3330 practice as an advanced practice registered nurse ~~advanced~~
3331 ~~registered nurse practitioner~~ may receive up to \$12,000 per
3332 year. These amounts shall be adjusted by the amount of increase
3333 or decrease in the Consumer Price Index for All Urban Consumers
3334 published by the United States Department of Commerce.

3335 Section 93. This act shall take effect October 1, 2018.