

1 A bill to be entitled
 2 An act relating to prohibited acts by health care
 3 practitioners; creating s. 456.0465, F.S.; prohibiting
 4 licensed health care practitioners from using
 5 specified names or titles under certain circumstances;
 6 requiring the Department of Health to issue a cease
 7 and desist notice to a licensed health care
 8 practitioner for specified violations; providing for
 9 service of the notice and penalties; providing
 10 exceptions; providing rulemaking authority; providing
 11 an effective date.

13 Be It Enacted by the Legislature of the State of Florida:

15 Section 1. Section 456.0465, Florida Statutes, is created
 16 to read:

17 456.0465 Health care practitioners; prohibited actions.-

18 (1) (a) A health care practitioner licensed by the
 19 department may not use the name or title "anesthesiologist,"
 20 "cardiologist," "dentist," "dermatologist," "doctor of dental
 21 medicine," "D.M.D.," "doctor of dental surgery," "D.D.S.,"
 22 "doctor of osteopathy," "emergency physician,"
 23 "endocrinologist," "endodontist," "family physician,"
 24 "gastroenterologist," "general practitioner," "gynecologist,"
 25 "hematologist," "hospitalist," "internist," "interventional pain

26 | medicine physician," "laryngologist," "medical doctor," "M.D.,"
27 | "nephrologist," "neurologist," "obstetrician," "oncologist,"
28 | "ophthalmologist," "oral and maxillofacial surgeon,"
29 | "orthodontist," "orthopedic surgeon," "orthopedist,"
30 | "osteopath," "otologist," "otolaryngologist,"
31 | "otorhinolaryngologist," "pathologist," "pediatrician,"
32 | "physiatrist," "pedodontist," "periodontist," "podiatrist,"
33 | "primary care physician," "proctologist," "prosthodontist,"
34 | "psychiatrist," "radiologist," "rheumatologist," "rhinologist,"
35 | "surgeon," or "urologist," or any other words, letters,
36 | abbreviations, or insignia indicating or implying that he or she
37 | is licensed or authorized by chapter 458, chapter 459, chapter
38 | 461, or chapter 466 to practice as such, unless he or she is
39 | licensed or authorized under such chapters, or is registered
40 | with the appropriate board as an allopathic, osteopathic, or
41 | podiatric physician, or dentist pursuant to s. 456.47(4), to
42 | practice as such.

43 | (b) If the department finds that a licensed health care
44 | practitioner has violated paragraph (a), the department shall
45 | issue a notice to the practitioner to cease and desist the use
46 | of such name, title, words, letters, abbreviations, or insignia.
47 | The department shall send the cease and desist notice to the
48 | practitioner by certified mail and e-mail to the practitioner's
49 | physical address and e-mail address on record with the
50 | department and to any other mailing address or e-mail address

51 through which the department believes the practitioner may be
52 reached.

53 (c) If the practitioner does not cease and desist his or
54 her actions in violation of paragraph (a) immediately upon
55 receipt of the notice to cease and desist, the department shall
56 enter an order imposing one or more of the following penalties
57 until the practitioner complies with the notice to cease and
58 desist:

- 59 1. A citation and a daily fine.
- 60 2. A reprimand or a letter of concern.
- 61 3. Suspension of license.

62 (d) Notwithstanding paragraphs (a), (b), and (c):

- 63 1. A doctor of chiropractic medicine licensed under
64 chapter 460, or a chiropractic physician registered with the
65 board of chiropractic medicine pursuant to s. 456.47(4), to
66 practice as such, may use the name or title "doctor of
67 chiropractic medicine" or "chiropractic physician."
- 68 2. A licensed chiropractic physician who has achieved
69 diplomate status or fellow status from the American Board of
70 Chiropractic Specialties, the American Chiropractic Board of
71 Sports Physicians, the American College of Chiropractic
72 Orthopedists, the American Chiropractic Neurology Board, the
73 International Chiropractors Association, or the International
74 Chiropractic Pediatric Association, or in a specific specialty
75 or subspecialty, may use, as appropriate for his or her

76 | diplomate status or fellow status, "chiropractic internist,"
77 | "chiropractic neurologist," "chiropractic orthopedist,"
78 | "chiropractic pediatrician," or "chiropractic radiologist," in
79 | addition to other names or titles associated with such diplomate
80 | status or fellow status.

81 | 3. A licensed dentist who has achieved diplomate status or
82 | board certification from the American Board of Dental Public
83 | Health, the American Board of Endodontics, the American Board of
84 | Oral and Maxillofacial Pathology, the American Board of Oral and
85 | Maxillofacial Radiology, the American Board of Oral and
86 | Maxillofacial Surgery, the American Board of Orthodontics, the
87 | American Board of Pediatric Dentistry, the American Board of
88 | Periodontology, the American Board of Prosthodontics, the
89 | American Board of Oral Implantology/Implant Dentistry, the
90 | American Board of Oral Medicine, the American Board of Orofacial
91 | Pain, the American Dental Board of Anesthesiology, or the
92 | American Board of General Dentistry, in a specific specialty or
93 | subspecialty, may use, as appropriate for his or her diplomate
94 | status or board certification, the name or term "dental
95 | anesthesiologist," "dental oral and maxillofacial pathologist,"
96 | "dental oral and maxillofacial radiologist," "dental orthodontic
97 | and dentofacial orthopedist," or "doctor of oral medicine," in
98 | addition to other names or titles associated with such diplomate
99 | status or board certification.

100 | (2) The department may adopt rules to implement this

101 | section.

102 | Section 2. This act shall take effect upon becoming a law.