



150030

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2020	.	
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The Committee on Rules (Harrell) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

456.0465 Health care practitioners; prohibited actions.—

(1) (a) Except for an allopathic physician licensed under
chapter 458, an osteopathic physician licensed under chapter
459, or an allopathic or osteopathic physician registered with
the appropriate board pursuant to s. 456.47(4), a health care



12 practitioner licensed by the department may not use the name or
13 title "allopathic physician," "M.D.," "medical doctor," "doctor
14 of osteopathy," "D.O.," "osteopathic physician," "surgeon,"
15 "anesthesiologist," "cardiologist," "dermatologist," "emergency
16 physician," "endocrinologist," "family physician,"
17 "gastroenterologist," "gynecologist," "hematologist,"
18 "hospitalist," "internist," "interventional pain medicine
19 physician," "laryngologist," "nephrologist," "neurologist,"
20 "obstetrician," "oncologist," "ophthalmologist," "orthopedic
21 surgeon," "orthopedist," "osteopath," "otologist,"
22 "otolaryngologist," "otorhinolaryngologist," "pathologist,"
23 "pediatrician," "physiatrist," "primary care physician,"
24 "proctologist," "psychiatrist," "radiologist," "rheumatologist,"
25 "rhinologist," or "urologist" or any other words, letters,
26 abbreviations, or insignia indicating or implying that he or she
27 is authorized to practice as such, regardless of whether the
28 name or title is used alone or as a descriptor for a name or
29 title the practitioner is authorized to use under their practice
30 act.

31 (b) The omission of the name or title "physician" or any
32 other name or title in this section does not authorize a health
33 care practitioner to use such name or title as a descriptor of
34 his or her practice. It is the intent of the legislature that
35 the rule of expressio unius est exclusio alterius does not apply
36 when interpreting this section.

37 (c) If the department finds that any licensed health care
38 practitioner has violated paragraph (a), the department shall
39 issue an emergency order to the practitioner to cease and desist
40 the use of such name, title, words, letters, abbreviations, or



41 insignia. The department shall send the emergency cease and
42 desist order to the practitioner by certified mail and email to
43 the practitioner's physical address and email address of record
44 with the department and to any other mailing address or email
45 address through which the department believes the person may be
46 reached.

47 (d) If the practitioner does not cease and desist his or
48 her actions in violation of paragraph (a) immediately upon
49 receipt of the emergency cease and desist order, the department
50 shall enter an order imposing one or more of the following
51 penalties until the practitioner complies with the cease and
52 desist order:

- 53 1. A citation and a daily fine.
- 54 2. A reprimand or a letter of concern.
- 55 3. Suspension of license.

56 (e) Notwithstanding paragraphs (a)-(d):

57 1. A doctor of chiropractic medicine licensed under chapter
58 460, or a chiropractic physician registered with the board of
59 chiropractic medicine pursuant to s. 456.47(4), to practice as
60 such, may use the name or title "doctor of chiropractic
61 medicine" or "chiropractic physician."

62 2. A licensed chiropractic physician who has achieved
63 diplomate or fellow status from the American Board of
64 Chiropractic Specialties, American Chiropractic Board of Sports
65 Physicians, American College of Chiropractic Orthopedists,
66 American Chiropractic Neurology Board, International
67 Chiropractors Association, or International Chiropractic
68 Pediatric Association, or in a specific specialty or
69 subspecialty, may use, as appropriate for his or her diplomate



70 or fellow status, "chiropractic radiologist," "chiropractic
71 internist," "chiropractic neurologist," "chiropractic
72 orthopedist," or "chiropractic pediatrician," in addition to
73 other names or titles associated with such diplomate or fellow
74 status.

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

94 (2) The department may adopt rules to implement this
95 section.

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

97
98 ===== T I T L E A M E N D M E N T =====



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99 And the title is amended as follows:

100 Delete everything before the enacting clause
101 and insert:

102 A bill to be entitled
103 An act relating to prohibited acts by health care
104 practitioners; creating s. 456.0465, F.S.; specifying
105 names and titles that licensed health care
106 practitioners are prohibited from using under certain
107 circumstances; providing construction and legislative
108 intent; requiring the Department of Health to issue an
109 emergency cease and desist order for specified
110 violations; providing exceptions; providing for
111 service of the order; providing penalties; authorizing
112 the department to adopt rules; providing an effective
113 date.