



180070

LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Harrell) recommended the following:

1 **Senate Substitute for Amendment (150030) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 456.0465 Health care practitioners; prohibited actions.-

9 (1) (a) Except for an allopathic physician licensed under
10 chapter 458, an osteopathic physician licensed under chapter
11 459, a dentist licensed under chapter 466, or a dentist, an



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12 allopathic physician, or an osteopathic physician registered
13 with the appropriate board pursuant to s. 456.47(4), a health
14 care practitioner licensed by the department may not use the
15 name or title "allopathic physician," "M.D.," "medical doctor,"
16 "doctor of osteopathy," "D.O.," "osteopathic physician,"
17 "surgeon," "anesthesiologist," "cardiologist," "dermatologist,"
18 "emergency physician," "endocrinologist," "family physician,"
19 "gastroenterologist," "gynecologist," "hematologist,"
20 "hospitalist," "internist," "interventional pain medicine
21 physician," "laryngologist," "nephrologist," "neurologist,"
22 "obstetrician," "oncologist," "ophthalmologist," "orthopedic
23 surgeon," "orthopedist," "osteopath," "otolaryngologist,"
24 "otologist," "otorhinolaryngologist," "pathologist,"
25 "pediatrician," "physiatrist," "primary care physician,"
26 "proctologist," "psychiatrist," "radiologist," "rheumatologist,"
27 "rhinologist," or "urologist" or any other words, letters,
28 abbreviations, or insignia indicating or implying that he or she
29 is authorized to practice as such, regardless of whether the
30 name or title is used alone or as a descriptor for a name or
31 title that the practitioner is authorized to use under his or
32 her practice act.

33 (b) The omission of the name or title "physician" or any
34 other name or title in this section does not authorize a health
35 care practitioner to use such name or title as a descriptor of
36 his or her practice if he or she is not licensed to practice as
37 such. It is the intent of the Legislature that the general
38 principle of statutory construction, that the expression of one
39 thing is the exclusion of the other, does not apply when
40 interpreting this section.



41 (c) If the department finds that any licensed health care
42 practitioner has violated paragraph (a), the department must
43 issue an emergency order requiring that the practitioner cease
44 and desist the use of such name, title, words, letters,
45 abbreviations, or insignia. The department shall send the
46 emergency cease and desist order to the practitioner by
47 certified mail and e-mail to the practitioner's physical address
48 and e-mail address of record, respectively, with the department
49 and to any other mailing address or e-mail address through which
50 the department believes the person may be reached.

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

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

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

61 1. A doctor of chiropractic medicine licensed under chapter
62 460 or a chiropractic physician registered with the board of
63 chiropractic medicine pursuant to s. 456.47(4) to practice as
64 such may use the name or title "doctor of chiropractic medicine"
65 or "chiropractic physician."

66 2. A licensed chiropractic physician who has achieved
67 diplomate or fellow status in a specific specialty or
68 subspecialty from the American Board of Chiropractic
69 Specialties, the American Chiropractic Board of Sports



70 Physicians, the American College of Chiropractic Orthopedists,
71 the American Chiropractic Neurology Board, the International
72 Chiropractors Association, or the International Chiropractic
73 Pediatric Association may use, as appropriate for his or her
74 diplomate or fellow status, the names and titles "chiropractic
75 internist," "chiropractic neurologist," "chiropractic
76 orthopedist," "chiropractic pediatrician," or "chiropractic
77 radiologist," in addition to other names or titles associated
78 with such diplomate or fellow status.

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

98 (2) The department may adopt rules to implement this



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99 section.

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

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

103 And the title is amended as follows:

104 Delete everything before the enacting clause

105 and insert:

106 A bill to be entitled

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