



668434

LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Harrell) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (a) and (t) of subsection (1) and
subsection (2) of section 456.072, Florida Statutes, are amended
to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which
the disciplinary actions specified in subsection (2) may be
taken:



668434

12 (a) Making misleading, deceptive, or fraudulent
13 representations in or related to the practice of the licensee's
14 profession or specialty designation. Use of the term
15 "anesthesiologist" or "dermatologist" is prohibited unless the
16 practitioner is licensed as such under chapter 458 or chapter
17 459.

18 (t) Failing to identify through written notice, which may
19 include the wearing of a name tag, or orally to a patient the
20 type of license or specialty designation under which the
21 practitioner is practicing. Any advertisement for health care
22 services naming the practitioner must identify the type of
23 license the practitioner holds. This paragraph does not apply to
24 a practitioner while the practitioner is providing services in a
25 facility licensed under chapter 394, chapter 395, chapter 400,
26 or chapter 429. The department shall enforce this paragraph ~~Each~~
27 ~~board, or the department where there is no board, is authorized~~
28 ~~by rule to determine how its practitioners may comply with this~~
29 ~~disclosure requirement.~~

30 (2) (a) When the board, or the department when there is no
31 board, finds any person guilty of the grounds set forth in
32 subsection (1) or of any grounds set forth in the applicable
33 practice act, including conduct constituting a substantial
34 violation of subsection (1) or a violation of the applicable
35 practice act which occurred prior to obtaining a license, it may
36 enter an order imposing one or more of the following penalties:

37 1. ~~(a)~~ Refusal to certify, or to certify with restrictions,
38 an application for a license.

39 2. ~~(b)~~ Suspension or permanent revocation of a license.

40 3. ~~(c)~~ Restriction of practice or license, including, but



668434

41 not limited to, restricting the licensee from practicing in
42 certain settings, restricting the licensee to work only under
43 designated conditions or in certain settings, restricting the
44 licensee from performing or providing designated clinical and
45 administrative services, restricting the licensee from
46 practicing more than a designated number of hours, or any other
47 restriction found to be necessary for the protection of the
48 public health, safety, and welfare.

49 4.~~(d)~~ Imposition of an administrative fine not to exceed
50 \$10,000 for each count or separate offense. If the violation is
51 for fraud or making a false or fraudulent representation, the
52 board, or the department if there is no board, must impose a
53 fine of \$10,000 per count or offense.

54 5.~~(e)~~ Issuance of a reprimand or letter of concern.

55 6.~~(f)~~ Placement of the licensee on probation for a period
56 of time and subject to such conditions as the board, or the
57 department when there is no board, may specify. Those conditions
58 may include, but are not limited to, requiring the licensee to
59 undergo treatment, attend continuing education courses, submit
60 to be reexamined, work under the supervision of another
61 licensee, or satisfy any terms which are reasonably tailored to
62 the violations found.

63 7.~~(g)~~ Corrective action.

64 8.~~(h)~~ Imposition of an administrative fine in accordance
65 with s. 381.0261 for violations regarding patient rights.

66 9.~~(i)~~ Refund of fees billed and collected from the patient
67 or a third party on behalf of the patient.

68 10.~~(j)~~ Requirement that the practitioner undergo remedial
69 education.



668434

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71 In determining what action is appropriate, the board, or
72 department when there is no board, must first consider what
73 sanctions are necessary to protect the public or to compensate
74 the patient. Only after those sanctions have been imposed may
75 the disciplining authority consider and include in the order
76 requirements designed to rehabilitate the practitioner. All
77 costs associated with compliance with orders issued under this
78 subsection are the obligation of the practitioner.

79 (b)1. If the department finds that any licensed health care
80 practitioner has violated paragraph (1)(a), the department must
81 issue an emergency order to the practitioner to cease and desist
82 the use of such name, title, words, letter, abbreviations, or
83 insignia. The department shall send the emergency cease and
84 desist order to the practitioner by certified mail and e-mail to
85 the practitioner's physical address and e-mail address of record
86 with the department and to any other mailing address or e-mail
87 address through which the department believes the person may be
88 reached.

89 2. If the practitioner does not cease and desist his or her
90 actions in violation of paragraph (1)(a) immediately upon
91 receipt of the emergency cease and desist order, the department
92 must enter an order imposing any of the following penalties, or
93 a combination thereof, until the practitioner complies with the
94 cease and desist order:

- 95 a. A citation and a daily fine.
96 b. A reprimand or a letter of concern.
97 c. Suspension of license.

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



668434

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

101 And the title is amended as follows:

102 Delete everything before the enacting clause

103 and insert:

104 A bill to be entitled

105 An act relating to prohibited acts by health care
106 practitioners; amending s. 456.072, F.S.; prohibiting
107 specified acts by health care practitioners regarding
108 specialty designations; authorizing the Department of
109 Health to enforce compliance with the act; authorizing
110 the department to take specified disciplinary action
111 against health care practitioners in violation of the
112 act; specifying applicable penalties; providing an
113 effective date.