

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Massullo offered the following:

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3 **Amendment (with title amendment)**

4 Remove lines 23-97 and insert:

5 may be used only if the practitioner or physician is licensed
6 under chapter 458 or chapter 459 or as a dentist under chapter
7 466, and the term "dermatologist" may be used only if the
8 practitioner or physician is licensed under chapter 458 or
9 chapter 459.

10 (t) Failing to identify through written notice, which may
11 include the wearing of a name tag, or orally to a patient the
12 type of license or specialty designation under which the
13 practitioner is practicing. Any advertisement for health care

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14 services naming the practitioner must identify the type of
15 license the practitioner holds. This paragraph does not apply to
16 a practitioner while the practitioner is providing services in a
17 facility licensed under chapter 394, chapter 395, chapter 400,
18 or chapter 429. The department shall enforce this paragraph ~~Each~~
19 ~~board, or the department where there is no board, is authorized~~
20 ~~by rule to determine how its practitioners may comply with this~~
21 ~~disclosure requirement.~~

22 (2) (a) When the board, or the department when there is no
23 board, finds any person guilty of the grounds set forth in
24 subsection (1) or of any grounds set forth in the applicable
25 practice act, including conduct constituting a substantial
26 violation of subsection (1) or a violation of the applicable
27 practice act which occurred before ~~prior to~~ obtaining a license,
28 it may enter an order imposing one or more of the following
29 penalties:

30 1.(a) Refusal to certify, or to certify with restrictions,
31 an application for a license.

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

33 3.(c) Restriction of practice or license, including, but
34 not limited to, restricting the licensee from practicing in
35 certain settings, restricting the licensee to work only under
36 designated conditions or in certain settings, restricting the
37 licensee from performing or providing designated clinical and
38 administrative services, restricting the licensee from

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39 practicing more than a designated number of hours, or any other
40 restriction found to be necessary for the protection of the
41 public health, safety, and welfare.

42 ~~4.(d)~~ Imposition of an administrative fine not to exceed
43 \$10,000 for each count or separate offense. If the violation is
44 for fraud or making a false or fraudulent representation, the
45 board, or the department if there is no board, must impose a
46 fine of \$10,000 per count or offense.

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

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

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

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

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

61 ~~10.(j)~~ Requirement that the practitioner undergo remedial
62 education.

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

72 (b) When the department finds that a practitioner or
 73 physician has violated paragraph (1)(a), the department must
 74 issue to the practitioner or physician a notice to cease and
 75 desist. The department must send the notice to cease and desist
 76 to the practitioner or physician by certified mail and e-mail to
 77 the practitioner's or physician's physical address and e-mail
 78 address of record on file with the department and to any other
 79 mailing address or e-mail address through which the department
 80 believes the practitioner or physician may be reached.

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

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Remove lines 3-8 and insert:

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practitioners or physicians; amending s. 456.072,

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F.S.; prohibiting specified acts by health care

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practitioners or physicians relating to specialty

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designations; authorizing the Department of Health to

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89 | enforce compliance with the act; authorizing the
90 | department to take specified action against health
91 | care practitioners or physicians in violation of the

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