

1 A bill to be entitled
 2 An act relating to prohibited acts by health care
 3 practitioners; amending s. 456.072, F.S.; prohibiting
 4 specified acts by health care practitioners relating
 5 to specialty designations; authorizing the Department
 6 of Health to enforce compliance with the act;
 7 authorizing the department to take specified action
 8 against health care practitioners in violation of the
 9 act; providing an effective date.

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

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

16 456.072 Grounds for discipline; penalties; enforcement.—

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

20 (a) Making misleading, deceptive, or fraudulent
 21 representations in or related to the practice of the licensee's
 22 profession or specialty designation. The term "anesthesiologist"
 23 may be used only if the practitioner is licensed as a physician
 24 under chapter 458 or chapter 459 or as a dentist under chapter
 25 466, and the term "dermatologist" may be used only if the

26 | practitioner is licensed as a physician under chapter 458 or
 27 | chapter 459.

28 | (t) Failing to identify through written notice, which may
 29 | include the wearing of a name tag, or orally to a patient the
 30 | type of license or specialty designation under which the
 31 | practitioner is practicing. Any advertisement for health care
 32 | services naming the practitioner must identify the type of
 33 | license the practitioner holds. This paragraph does not apply to
 34 | a practitioner while the practitioner is providing services in a
 35 | facility licensed under chapter 394, chapter 395, chapter 400,
 36 | or chapter 429. The department shall enforce this paragraph ~~Each~~
 37 | ~~board, or the department where there is no board, is authorized~~
 38 | ~~by rule to determine how its practitioners may comply with this~~
 39 | ~~disclosure requirement.~~

40 | (2) (a) When the board, or the department when there is no
 41 | board, finds any person guilty of the grounds set forth in
 42 | subsection (1) or of any grounds set forth in the applicable
 43 | practice act, including conduct constituting a substantial
 44 | violation of subsection (1) or a violation of the applicable
 45 | practice act which occurred before ~~prior to~~ obtaining a license,
 46 | it may enter an order imposing one or more of the following
 47 | penalties:

48 | 1.(a) Refusal to certify, or to certify with restrictions,
 49 | an application for a license.

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

51 3.~~(e)~~ Restriction of practice or license, including, but
52 not limited to, restricting the licensee from practicing in
53 certain settings, restricting the licensee to work only under
54 designated conditions or in certain settings, restricting the
55 licensee from performing or providing designated clinical and
56 administrative services, restricting the licensee from
57 practicing more than a designated number of hours, or any other
58 restriction found to be necessary for the protection of the
59 public health, safety, and welfare.

60 4.~~(d)~~ Imposition of an administrative fine not to exceed
61 \$10,000 for each count or separate offense. If the violation is
62 for fraud or making a false or fraudulent representation, the
63 board, or the department if there is no board, must impose a
64 fine of \$10,000 per count or offense.

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

66 6.~~(f)~~ Placement of the licensee on probation for a period
67 of time and subject to such conditions as the board, or the
68 department when there is no board, may specify. Those conditions
69 may include, but are not limited to, requiring the licensee to
70 undergo treatment, attend continuing education courses, submit
71 to be reexamined, work under the supervision of another
72 licensee, or satisfy any terms which are reasonably tailored to
73 the violations found.

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

75 8.~~(h)~~ Imposition of an administrative fine in accordance

76 | with s. 381.0261 for violations regarding patient rights.

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

79 | ~~10.(j)~~ Requirement that the practitioner undergo remedial
80 | education.

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82 | In determining what action is appropriate, the board, or
83 | department when there is no board, must first consider what
84 | sanctions are necessary to protect the public or to compensate
85 | the patient. Only after those sanctions have been imposed may
86 | the disciplining authority consider and include in the order
87 | requirements designed to rehabilitate the practitioner. All
88 | costs associated with compliance with orders issued under this
89 | subsection are the obligation of the practitioner.

90 | (b) When the department finds that a practitioner has
91 | violated paragraph (1) (a), the department must issue to the
92 | practitioner a notice to cease and desist. The department must
93 | send the notice to cease and desist to the practitioner by
94 | certified mail and e-mail to the practitioner's physical address
95 | and e-mail address of record on file with the department and to
96 | any other mailing address or e-mail address through which the
97 | department believes the practitioner may be reached.

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