

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>      </u>	

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1 Committee/Subcommittee hearing bill: Health & Human Services  
 2 Committee

3 Representative Massullo offered the following:

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 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (tt) is added to subsection (1) of  
 8 section 456.072, Florida Statutes, to read:

9 456.072 Grounds for discipline; penalties; enforcement.—

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

13 (tt) Using a term designating a medical specialty for  
 14 which the Accreditation Council for Graduate Medical Education  
 15 or the American Osteopathic Association accredits or recognizes  
 16 as a residency or fellowship program unless the licensee:

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17       1. Has completed an Accreditation Council for Graduate  
18 Medical Education or the American Osteopathic Association  
19 residency or fellowship program;

20       2. Has attained diplomate status in a chiropractic  
21 specialty area recognized by the American Chiropractic  
22 Association, International Chiropractic Association, or  
23 International Academy of Clinical Neurology; or

24       3. Is otherwise expressly authorized by law to use such a  
25 term.

26  
27 The department shall enforce this paragraph and has the same  
28 enforcement authority as an applicable board. The department may  
29 adopt rules to implement this paragraph.

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

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

40       (c) Restriction of practice or license, including, but not  
41 limited to, restricting the licensee from practicing in certain

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42 settings, restricting the licensee to work only under designated  
43 conditions or in certain settings, restricting the licensee from  
44 performing or providing designated clinical and administrative  
45 services, restricting the licensee from practicing more than a  
46 designated number of hours, or any other restriction found to be  
47 necessary for the protection of the public health, safety, and  
48 welfare.

49 (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 (e) Issuance of a reprimand or letter of concern.

55 (f) Placement of the licensee on probation for a period of  
56 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 (g) Corrective action.

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

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

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

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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 Section 2. This act shall take effect July 1, 2022.

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

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Remove everything before the enacting clause and insert:

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An act relating to medical specialty designations;

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amending s. 456.072, F.S.; providing that using a term

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designating a certain medical specialty is grounds for

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disciplinary action; providing enforcement authority;

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authorizing the Department of Health to adopt rules;

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providing an effective date.