

1 A bill to be entitled
 2 An act relating to medical specialty designations;
 3 amending s. 456.072, F.S.; providing that using a term
 4 designating a certain medical specialty is grounds for
 5 disciplinary action; providing enforcement authority;
 6 authorizing the Department of Health to adopt rules;
 7 providing an effective date.

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

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11 Section 1. Paragraph (tt) is added to subsection (1) of
 12 section 456.072, Florida Statutes, and subsection (2) of that
 13 section is republished, to read:

14 456.072 Grounds for discipline; penalties; enforcement.—

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

18 (tt) Using a term designating a medical specialty for
 19 which the Accreditation Council for Graduate Medical Education
 20 accredits or recognizes as a residency or fellowship program
 21 unless the licensee has completed such residency or fellowship
 22 program or unless otherwise expressly authorized by law. The
 23 department shall enforce this paragraph and has the same
 24 enforcement authority as an applicable board. The department may
 25 adopt rules to implement this paragraph.

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

33 (a) Refusal to certify, or to certify with restrictions,
34 an application for a license.

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

36 (c) Restriction of practice or license, including, but not
37 limited to, restricting the licensee from practicing in certain
38 settings, restricting the licensee to work only under designated
39 conditions or in certain settings, restricting the licensee from
40 performing or providing designated clinical and administrative
41 services, restricting the licensee from practicing more than a
42 designated number of hours, or any other restriction found to be
43 necessary for the protection of the public health, safety, and
44 welfare.

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

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

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

59 (g) Corrective action.

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

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

64 (j) Requirement that the practitioner undergo remedial
65 education.

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

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