

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 or the American Osteopathic Association accredits or recognizes
 21 as a residency or fellowship program unless the licensee has
 22 completed such residency or fellowship program or unless
 23 otherwise expressly authorized by law. The department shall
 24 enforce this paragraph and has the same enforcement authority as
 25 an applicable board. The department may adopt rules to implement

26 this paragraph.

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

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

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

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

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

- 51 (e) Issuance of a reprimand or letter of concern.
- 52 (f) Placement of the licensee on probation for a period of
53 time and subject to such conditions as the board, or the
54 department when there is no board, may specify. Those conditions
55 may include, but are not limited to, requiring the licensee to
56 undergo treatment, attend continuing education courses, submit
57 to be reexamined, work under the supervision of another
58 licensee, or satisfy any terms which are reasonably tailored to
59 the violations found.
- 60 (g) Corrective action.
- 61 (h) Imposition of an administrative fine in accordance
62 with s. 381.0261 for violations regarding patient rights.
- 63 (i) Refund of fees billed and collected from the patient
64 or a third party on behalf of the patient.
- 65 (j) Requirement that the practitioner undergo remedial
66 education.
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- 68 In determining what action is appropriate, the board, or
69 department when there is no board, must first consider what
70 sanctions are necessary to protect the public or to compensate
71 the patient. Only after those sanctions have been imposed may
72 the disciplining authority consider and include in the order
73 requirements designed to rehabilitate the practitioner. All
74 costs associated with compliance with orders issued under this
75 subsection are the obligation of the practitioner.

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2022

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