

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:

22 1. Has completed an Accreditation Council for Graduate
 23 Medical Education or the American Osteopathic Association
 24 residency or fellowship program;

25 2. Has attained diplomate status in a chiropractic

26 specialty area recognized by the American Chiropractic
 27 Association, the International Chiropractic Association, or the
 28 International Academy of Chiropractic Neurology; or

29 3. Is otherwise expressly authorized by law to use such a
 30 term.

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 32 The department shall enforce this paragraph and has the same
 33 enforcement authority as an applicable board. The department may
 34 adopt rules to implement this paragraph.

35 (2) When the board, or the department when there is no
 36 board, finds any person guilty of the grounds set forth in
 37 subsection (1) or of any grounds set forth in the applicable
 38 practice act, including conduct constituting a substantial
 39 violation of subsection (1) or a violation of the applicable
 40 practice act which occurred prior to obtaining a license, it may
 41 enter an order imposing one or more of the following penalties:

42 (a) Refusal to certify, or to certify with restrictions,
 43 an application for a license.

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

45 (c) Restriction of practice or license, including, but not
 46 limited to, restricting the licensee from practicing in certain
 47 settings, restricting the licensee to work only under designated
 48 conditions or in certain settings, restricting the licensee from
 49 performing or providing designated clinical and administrative
 50 services, restricting the licensee from practicing more than a

51 designated number of hours, or any other restriction found to be
 52 necessary for the protection of the public health, safety, and
 53 welfare.

54 (d) Imposition of an administrative fine not to exceed
 55 \$10,000 for each count or separate offense. If the violation is
 56 for fraud or making a false or fraudulent representation, the
 57 board, or the department if there is no board, must impose a
 58 fine of \$10,000 per count or offense.

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

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

68 (g) Corrective action.

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

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

73 (j) Requirement that the practitioner undergo remedial
 74 education.

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

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