

By the Committee on Health Policy; and Senator Harrell

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1 A bill to be entitled
2 An act relating to health care practitioner titles and
3 designations; creating s. 456.0651, F.S.; defining
4 terms; providing that, for specified purposes, the use
5 of specified titles or designations in connection with
6 one's name constitutes the practice of medicine or the
7 practice of osteopathic medicine; providing
8 exceptions; amending s. 456.072, F.S.; revising
9 grounds for disciplinary action relating to a
10 practitioner's use of such titles or designations in
11 identifying himself or herself to patients or in
12 advertisements for health care services; revising
13 applicability; requiring certain health care
14 practitioners to prominently display a copy of their
15 license in a conspicuous area of their practices;
16 requiring that the copy of the license be a specified
17 size; requiring such health care practitioners to also
18 verbally identify themselves in a specified manner to
19 new patients; requiring, rather than authorizing,
20 certain boards, or the Department of Health if there
21 is no board, to adopt certain rules; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Section 456.0651, Florida Statutes, is created
27 to read:

28 456.0651 Health care practitioner titles and designations.-

29 (1) As used in this section, the term:

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30 (a) "Advertisement" means any printed, electronic, or oral
31 statement that:

32 1. Is communicated or disseminated to the general public;

33 2.a. Is intended to encourage a person to use a
34 practitioner's professional services or to promote those
35 services or the practitioner in general; or

36 b. For commercial purposes, names a practitioner in
37 connection with the practice, profession, or institution in
38 which the practitioner is employed, volunteers, or provides
39 health care services; and

40 3. Is prepared, communicated, or disseminated under the
41 control of the practitioner or with the practitioner's consent.

42 (b) "Educational degree" means the degree awarded to a
43 practitioner by a college or university relating to the
44 practitioner's profession or specialty designation which may be
45 referenced in an advertisement by name or acronym.

46 (c) "Misleading, deceptive, or fraudulent representation"
47 means any information that misrepresents or falsely describes a
48 practitioner's profession, skills, training, expertise,
49 educational degree, board certification, or licensure.

50 (d) "Profession" means the name or title of a
51 practitioner's profession that is regulated by the department in
52 the Division of Medical Quality Assurance and which is allowed
53 to be used by an individual due to his or her license, license
54 by endorsement, certification, or registration issued by a board
55 or the department. The term does not include a practitioner's
56 license or educational degree.

57 (2) For purposes of this section and s. 456.065, in
58 addition to the definition of "practice of medicine" in s.

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59 458.305 and the definition of "practice of osteopathic medicine"
60 in s. 459.003, the practice of medicine or osteopathic medicine
61 also includes attaching to one's name, either alone or in
62 combination, or in connection with other words, any of the
63 following titles or designations, if used in an advertisement or
64 in a manner that constitutes a misleading, deceptive, or
65 fraudulent representation:

- 66 (a) Doctor of medicine.
67 (b) M.D.
68 (c) Doctor of osteopathy.
69 (d) D.O.
70 (e) Physician.
71 (f) Emergency physician.
72 (g) Family practice physician.
73 (h) Interventional pain physician.
74 (i) Medical doctor.
75 (j) Osteopath.
76 (k) Osteopathic medical physician.
77 (l) Surgeon.
78 (m) Anesthesiologist.
79 (n) Cardiologist.
80 (o) Dermatologist.
81 (p) Endocrinologist.
82 (q) Gastroenterologist.
83 (r) Gynecologist.
84 (s) Hematologist.
85 (t) Internist.
86 (u) Laryngologist.
87 (v) Nephrologist.

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- 88 (w) Neurologist.
89 (x) Obstetrician.
90 (y) Oncologist.
91 (z) Ophthalmologist.
92 (aa) Orthopedic surgeon.
93 (bb) Orthopedist.
94 (cc) Otologist.
95 (dd) Otolaryngologist.
96 (ee) Otorhinolaryngologist.
97 (ff) Pathologist.
98 (gg) Pediatrician.
99 (hh) Primary care physician.
100 (ii) Proctologist.
101 (jj) Psychiatrist.
102 (kk) Radiologist.
103 (ll) Rheumatologist.
104 (mm) Rhinologist.
105 (nn) Urologist.

106 (3) Notwithstanding subsection (2):

107 (a) A licensed practitioner may use the name or title of
108 his or her profession which is authorized under his or her
109 practice act, and any corresponding designations or initials so
110 authorized, to describe himself or herself and his or her
111 practice.

112 (b) A licensed practitioner who has a specialty area of
113 practice authorized under his or her practice act may use the
114 following format to identify himself or herself or describe his
115 or her practice: "... (name or title of the practitioner's
116 profession) ..., specializing in ... (name of the practitioner's

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117 specialty)...."

118 (c) A chiropractic physician licensed under chapter 460 may
119 use the titles "chiropractic physician" and "doctor of
120 chiropractic medicine" and other titles or designations
121 authorized under his or her practice act.

122 (d) A podiatric physician licensed under chapter 461 may
123 use the following titles and abbreviations as applicable to his
124 or her license, specialty, and certification: "podiatric
125 physician," "podiatric surgeon," and other titles or
126 abbreviations authorized under his or her practice act.

127 (e) A dentist licensed under chapter 466 may use the
128 following titles and abbreviations as applicable to his or her
129 license, specialty, and certification: "doctor of medicine in
130 dentistry," "doctor of dental medicine," "D.M.D.," "doctor of
131 dental surgery," "D.D.S.," "oral and maxillofacial surgeon,"
132 "O.M.S.," "oral radiologist," and any other titles or
133 abbreviations authorized under his or her practice act.

134 (f) An anesthesiologist assistant licensed under chapter
135 458 or chapter 459 may use only the titles "anesthesiologist
136 assistant" or "certified anesthesiologist assistant" and the
137 abbreviation "C.A.A."

138 Section 2. Paragraph (t) of subsection (1) of section
139 456.072, Florida Statutes, is amended to read:

140 456.072 Grounds for discipline; penalties; enforcement.—

141 (1) The following acts shall constitute grounds for which
142 the disciplinary actions specified in subsection (2) may be
143 taken:

144 (t) 1. A practitioner's failure, when treating or consulting
145 with a patient, ~~Failing~~ to identify through ~~written notice,~~

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146 ~~which may include~~ the wearing of a name tag the practitioner's
147 name and, or orally to a patient the profession, as defined in
148 s. 456.0651, type of license under which the practitioner is
149 practicing. The information on the name tag must be consistent
150 with the specifications of s. 456.0651(2) such that it does not
151 constitute the unlicensed practice of medicine or osteopathic
152 medicine.

153 2. The failure of any advertisement for health care
154 services naming the practitioner to ~~must~~ identify the
155 profession, as defined in s. 456.0651, under which the
156 practitioner is practicing and the practitioner's educational
157 degree, as defined in s. 456.0651, in relation to the services
158 featured in the advertisement ~~type of license the practitioner~~
159 ~~holds.~~

160 3. Subparagraph 1. This paragraph does not apply to a
161 practitioner while the practitioner is providing services in his
162 or her own office that houses his or her practice or group
163 practice. In such a case, in lieu of a name tag, the
164 practitioner must prominently display a copy of his or her
165 license in a conspicuous area of the practice so that it is
166 easily visible to patients. The copy of the license must be no
167 smaller than the original license. The practitioner must also
168 verbally identify himself or herself to a new patient by name
169 and identify the profession, as defined in s. 456.0651, under
170 which the practitioner is practicing. Such verbal identification
171 must be consistent with the specifications of s. 456.0651(2)
172 such that it does not constitute the unlicensed practice of
173 medicine or osteopathic medicine ~~a facility licensed under~~
174 ~~chapter 394, chapter 395, chapter 400, or chapter 429.~~

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175 4. Each board, or the department if ~~where~~ there is no
176 board, shall ~~is authorized~~ by rule ~~to~~ determine how its
177 practitioners must ~~may~~ comply with this paragraph ~~disclosure~~
178 ~~requirement~~.

179 Section 3. This act shall take effect July 1, 2023.