

The Florida Senate
HOUSE MESSAGE SUMMARY

Prepared By: The Professional Staff of the Committee on Health Policy

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BILL: CS/SB 1112

INTRODUCER: Health Policy Committee and Senator Harrell

SUBJECT: Health Care Practitioner Titles and Designations

DATE: March 6, 2024

I. Amendments Contained in Message:

House Amendment — 325533 (body with title)

II. Summary of Amendments Contained in Message:

House amendment 325533 deletes three of the Senate bill’s provisions (summarized below) and creates a new provision not contained in the Senate bill (summarized on page 2).

Deleted Provisions

Legislative Intent

The House amendment removes the bill’s revisions to s. 456.003, F.S., relating to Legislative intent for the regulation of health care professions. Under the Senate bill, the Legislature finds that the health, safety, and welfare of the public may be harmed or endangered by the unlawful practice of a profession; by a misleading, deceptive, or fraudulent representation relating to a person’s authority to lawfully practice a profession; or when patients are uninformed about the profession under which a practitioner is practicing before receiving consultation or services from such practitioner. Those provisions are deleted by the House amendment.

Practice of Medicine or Osteopathic Medicine

The Senate bill defines the “practice of medicine” and the “practice of osteopathic medicine” to include attaching to one’s name “any terms indicating that a person is licensed to practice medicine or osteopathic medicine” if used in an advertisement or in a manner that constitutes a misleading, deceptive, or fraudulent representation. The House amendment deletes that Senate language while maintaining the bill’s list of specific terms that are reserved for use by medical doctors and osteopathic physicians under the bill’s conditions cited above.

Medicare Billing

The House amendment deletes a Senate provision designed to ensure that the bill is not construed to prohibit or interfere with a practitioner’s ability to lawfully bill the Medicare program or other federal health care program using terminology provided under federal law.

New Provision Added by House Amendment

Optometrists

The Senate bill creates exceptions to its own restrictions for instances in which those restrictions conflict with current law. The House amendment, however, creates an additional exception for which no such conflict exists. The amendment provides that a licensed optometrist may use the terms “doctor of optometry” and “optometric physician,” in addition to other titles or abbreviations authorized under his or her practice act found in ch. 463, F.S.

However:

- Optometrists are already authorized by their practice act to use the term “doctor of optometry,”¹ and the Senate bill provides that practitioners may use titles that are authorized in their respective practice acts, regardless of the bill’s restrictions that would otherwise apply. Those provisions in the Senate bill and current law make that portion of the House amendment unnecessary.
- Regarding “optometric physician,” the House amendment seeks to introduce into the bill authority for a health care practitioner to use a title that does not already exist under current law. That is, the optometry practice act does not authorize an optometrist to use the term “physician” or “optometric physician.”^{2, 3} That would still be true even if the House amendment were to become law.
- The Senate bill’s exceptions apply only to practitioners already authorized under their practice acts to use specified terminology that overlaps with restrictions created by the bill, namely chiropractors, podiatrists, dentists, and anesthesiologist assistants. The bill, as passed by the Senate, does not contain an exception for optometrists because the bill does not conflict with the optometry practice act. By bringing this issue into the bill, the House amendment unnecessarily runs counter to the reason the Senate bill creates exceptions.

¹ Section 463.015(2)(a), F.S.

² The term “optometric physician” does not appear in the optometry practice act. All references to individual physicians in the optometry practice act are specific to allopathic physicians licensed under ch. 458, F.S., or osteopathic physicians licensed ch. 459, F.S., either directly or by implication. *See* ch. 463, F.S.

³ On March 10, 2023, the Board of Optometry published a notice in the Florida Administrative Register of its intent to amend Rule 64B13-3.009 to require licensed optometrists, when promulgating an advertisement, to use at least one “acceptable term, title, or abbreviation” from a list of such terms being added to the rule. The board’s proposed rule amendment sought to include the title “optometric physician” in the rule’s list, despite the lack of legislative authority within the optometry practice act or anywhere else in Florida law. *See*: https://www.flrules.org/gateway/notice_Files.asp?ID=26913055 (last visited March 5, 2024). The proposed rule was withdrawn by the board on August 15, 2023. *See*: https://www.flrules.org/Gateway/View_notice.asp?id=27440929 (last visited March 5, 2024).