

By Senator Harrell

31-01341-24

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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 practice;
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 degree
45 may be 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) "Practitioner" means a health care practitioner as
51 defined in s. 456.001.

52 (e) "Profession," in addition to the meaning provided in s.
53 456.001, also means the name or title of a practitioner's
54 profession that is regulated by the department's Division of
55 Medical Quality Assurance and which name or title is allowed to
56 be used by an individual due to his or her license, license by
57 endorsement, certification, or registration issued by a board or
58 the department. The term does not include a practitioner's

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59 license or educational degree.

60 (2) For purposes of this section and s. 456.065, in
61 addition to the definitions of the terms "practice of medicine"
62 in s. 458.305 and "practice of osteopathic medicine" in s.
63 459.003, the practice of medicine or osteopathic medicine also
64 includes attaching to one's name, either alone or in
65 combination, or in connection with other words, any of the
66 following titles or designations, if used in an advertisement or
67 in a manner that constitutes a misleading, deceptive, or
68 fraudulent representation:

69 (a) Doctor of medicine.

70 (b) M.D.

71 (c) Doctor of osteopathy.

72 (d) D.O.

73 (e) Emergency physician.

74 (f) Family physician.

75 (g) Interventional pain physician.

76 (h) Medical doctor.

77 (i) Osteopath.

78 (j) Osteopathic physician.

79 (k) Doctor of osteopathic medicine.

80 (l) Surgeon.

81 (m) Neurosurgeon.

82 (n) General surgeon.

83 (o) Resident physician.

84 (p) Medical resident.

85 (q) Medical intern.

86 (r) Anesthesiologist.

87 (s) Cardiologist.

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88 (t) Dermatologist.
89 (u) Endocrinologist.
90 (v) Gastroenterologist.
91 (w) Gynecologist.
92 (x) Hematologist.
93 (y) Hospitalist.
94 (z) Intensivist.
95 (aa) Internist.
96 (bb) Laryngologist.
97 (cc) Nephrologist.
98 (dd) Neurologist.
99 (ee) Obstetrician.
100 (ff) Oncologist.
101 (gg) Ophthalmologist.
102 (hh) Orthopedic surgeon.
103 (ii) Orthopedist.
104 (jj) Otologist.
105 (kk) Otolaryngologist.
106 (ll) Otorhinolaryngologist.
107 (mm) Pathologist.
108 (nn) Pediatrician.
109 (oo) Primary care physician.
110 (pp) Proctologist.
111 (qq) Psychiatrist.
112 (rr) Radiologist.
113 (ss) Rheumatologist.
114 (tt) Rhinologist.
115 (uu) Urologist.
116 (3) Notwithstanding subsection (2):

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117 (a) A licensed practitioner may use the name or title of
118 his or her profession which is authorized under his or her
119 practice act, and any corresponding designations or initials so
120 authorized, to describe himself or herself and his or her
121 practice.

122 (b) A licensed practitioner who has a specialty area of
123 practice authorized under his or her practice act may use the
124 following format to identify himself or herself or describe his
125 or her practice: "... (name or title of the practitioner's
126 profession)..., specializing in ... (name of the practitioner's
127 specialty)...."

128 (c) A chiropractic physician licensed under chapter 460 may
129 use the titles "doctor of chiropractic medicine," "chiropractic
130 radiologist," and other titles, abbreviations, or designations
131 authorized under his or her practice act or reflecting those
132 chiropractic specialty areas in which the chiropractic physician
133 has attained diplomate status as recognized by the American
134 Chiropractic Association, the International Chiropractors
135 Association, the International Academy of Clinical Neurology, or
136 the International Chiropractic Pediatric Association.

137 (d) A podiatric physician licensed under chapter 461 may
138 use the following titles and abbreviations as applicable to his
139 or her license, specialty, and certification: "podiatric
140 surgeon," "Fellow in the American College of Foot and Ankle
141 Surgeons," and other titles or abbreviations authorized under
142 his or her practice act.

143 (e) A dentist licensed under chapter 466 may use the
144 following titles and abbreviations as applicable to his or her
145 license, specialty, and certification: "doctor of medicine in

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146 dentistry," "doctor of dental medicine," "D.M.D.," "doctor of
147 dental surgery," "D.D.S.," "oral surgeon," "maxillofacial
148 surgeon," "oral and maxillofacial surgeon," "O.M.S.," "oral
149 radiologist," "dental anesthesiologist," "oral pathologist," and
150 any other titles or abbreviations authorized under his or her
151 practice act.

152 (f) An anesthesiologist assistant licensed under chapter
153 458 or chapter 459 may use only the titles "anesthesiologist
154 assistant" or "certified anesthesiologist assistant" and the
155 abbreviation "C.A.A."

156 Section 2. Paragraph (t) of subsection (1) of section
157 456.072, Florida Statutes, is amended to read:

158 456.072 Grounds for discipline; penalties; enforcement.—

159 (1) The following acts shall constitute grounds for which
160 the disciplinary actions specified in subsection (2) may be
161 taken:

162 (t)1. A practitioner's failure, when treating or consulting
163 with a patient, ~~Failing to identify through written notice,~~
164 ~~which may include the wearing of a name tag~~ the practitioner's
165 name and, or orally to a patient the profession, as defined in
166 s. 456.0651, ~~type of license~~ under which the practitioner is
167 practicing. The information on the name tag must be consistent
168 with the specifications of s. 456.0651(2) such that it does not
169 constitute the unlicensed practice of medicine or osteopathic
170 medicine.

171 2. The failure of any advertisement for health care
172 services naming the practitioner to ~~must~~ identify the
173 profession, as defined in s. 456.0651, under which the
174 practitioner is practicing and the practitioner's educational

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175 degree, as defined in s. 456.0651, in relation to the services
176 featured in the advertisement ~~type of license the practitioner~~
177 ~~holds.~~

178 3. Subparagraph 1. This paragraph does not apply to a
179 practitioner while the practitioner is providing services in his
180 or her own office that houses his or her practice or group
181 practice. In such a case, if the practitioner chooses not to
182 wear a name tag, the practitioner must prominently display a
183 copy of his or her license in a conspicuous area of the practice
184 so that it is easily visible to patients. The copy of the
185 license must be no smaller than the original license. Such
186 practitioner shall also verbally identify himself or herself to
187 a new patient by name and identify the profession, as defined in
188 s. 456.0651, under which the practitioner is practicing. Such
189 verbal identification must be consistent with the specifications
190 of s. 456.0651(2) such that it does not constitute the
191 unlicensed practice of medicine or osteopathic medicine a
192 facility licensed under chapter 394, chapter 395, chapter 400,
193 or chapter 429.

194 4. Each board, or the department ~~if where~~ there is no
195 board, shall ~~is authorized~~ by rule ~~to~~ determine how its
196 practitioners must ~~may~~ comply with this paragraph ~~disclosure~~
197 ~~requirement.~~

198 Section 3. This act shall take effect July 1, 2024.