

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; amending s. 456.003, F.S.; revising
4 legislative findings; creating s. 456.0651, F.S.;
5 defining terms; providing that, for specified
6 purposes, the use of specified titles or designations
7 in connection with one's name constitutes the practice
8 of medicine or the practice of osteopathic medicine;
9 providing exceptions; providing construction; amending
10 s. 456.072, F.S.; revising grounds for disciplinary
11 action relating to a practitioner's use of such titles
12 or designations in identifying himself or herself to
13 patients or in advertisements for health care
14 services; revising applicability; requiring certain
15 health care practitioners to prominently display a
16 copy of their license in a conspicuous area of their
17 practice; requiring that the copy of the license be a
18 specified size; requiring such health care
19 practitioners to also verbally identify themselves in
20 a specified manner to new patients; requiring, rather
21 than authorizing, certain boards, or the Department of
22 Health if there is no board, to adopt certain rules;
23 providing an effective date.

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

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27 Section 1. Subsection (2) of section 456.003, Florida
28 Statutes, is amended to read:

29 456.003 Legislative intent; requirements.—

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30 (2) The Legislature further finds ~~believes~~ that such
31 professions shall be regulated only for the preservation of the
32 health, safety, and welfare of the public under the police
33 powers of the state, and that the health, safety, and welfare of
34 the public may be harmed or endangered by the unlawful practice
35 of a profession; by a misleading, deceptive, or fraudulent
36 representation relating to a person's authority to lawfully
37 practice a profession; or when patients are uninformed about the
38 profession under which a practitioner is practicing before
39 receiving professional consultation or services from the
40 practitioner. As a matter of great public importance, such
41 professions shall be regulated when:

42 (a) Their unregulated practice can harm or endanger the
43 health, safety, and welfare of the public, and when the
44 potential for such harm is recognizable and clearly outweighs
45 any anticompetitive impact which may result from regulation.

46 (b) The public is not effectively protected by other means,
47 including, but not limited to, other state statutes, local
48 ordinances, or federal legislation.

49 (c) Less restrictive means of regulation are not available.

50 Section 2. Section 456.0651, Florida Statutes, is created
51 to read:

52 456.0651 Health care practitioner titles and designations.—

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

54 (a) "Advertisement" means any printed, electronic, or oral
55 statement that:

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

57 2.a. Is intended to encourage a person to use a
58 practitioner's professional services or to promote those

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59 services or the practitioner in general; or

60 b. For commercial purposes, names a practitioner in
61 connection with the practice, profession, or institution in
62 which the practitioner is employed, volunteers, or provides
63 health care services; and

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

66 (b) "Educational degree" means the degree awarded to a
67 practitioner by a college or university relating to the
68 practitioner's profession or specialty designation, which degree
69 may be referenced in an advertisement by name or acronym.

70 (c) "Misleading, deceptive, or fraudulent representation"
71 means any information that misrepresents or falsely describes a
72 practitioner's profession, skills, training, expertise,
73 educational degree, board certification, or licensure.

74 (d) "Practitioner" means a health care practitioner as
75 defined in s. 456.001.

76 (e) "Profession," in addition to the meaning provided in s.
77 456.001, also means the name or title of a practitioner's
78 profession that is regulated by the department's Division of
79 Medical Quality Assurance and which name or title is allowed to
80 be used by an individual due to his or her license, license by
81 endorsement, certification, or registration issued by a board or
82 the department. The term does not include a practitioner's
83 license or educational degree.

84 (2) For purposes of this section and s. 456.065, in
85 addition to the definitions of the terms "practice of medicine"
86 in s. 458.305 and "practice of osteopathic medicine" in s.
87 459.003, the practice of medicine or osteopathic medicine also

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88 includes attaching to one's name, either alone or in
89 combination, or in connection with other words, any terms
90 indicating that a person is licensed to practice medicine or
91 osteopathic medicine or any of the following titles or
92 designations, if used in an advertisement or in a manner that
93 constitutes a misleading, deceptive, or fraudulent
94 representation:

- 95 (a) Doctor of medicine.
96 (b) M.D.
97 (c) Doctor of osteopathy.
98 (d) D.O.
99 (e) Emergency physician.
100 (f) Family physician.
101 (g) Interventional pain physician.
102 (h) Medical doctor.
103 (i) Osteopath.
104 (j) Osteopathic physician.
105 (k) Doctor of osteopathic medicine.
106 (l) Surgeon.
107 (m) Neurosurgeon.
108 (n) General surgeon.
109 (o) Resident physician.
110 (p) Medical resident.
111 (q) Medical intern.
112 (r) Anesthesiologist.
113 (s) Cardiologist.
114 (t) Dermatologist.
115 (u) Endocrinologist.
116 (v) Gastroenterologist.

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117 (w) Gynecologist.
118 (x) Hematologist.
119 (y) Hospitalist.
120 (z) Intensivist.
121 (aa) Internist.
122 (bb) Laryngologist.
123 (cc) Nephrologist.
124 (dd) Neurologist.
125 (ee) Obstetrician.
126 (ff) Oncologist.
127 (gg) Ophthalmologist.
128 (hh) Orthopedic surgeon.
129 (ii) Orthopedist.
130 (jj) Otologist.
131 (kk) Otolaryngologist.
132 (ll) Otorhinolaryngologist.
133 (mm) Pathologist.
134 (nn) Pediatrician.
135 (oo) Primary care physician.
136 (pp) Proctologist.
137 (qq) Psychiatrist.
138 (rr) Radiologist.
139 (ss) Rheumatologist.
140 (tt) Rhinologist.
141 (uu) Urologist.
142 (3) Notwithstanding subsection (2):
143 (a) A licensed practitioner may use the name or title of
144 his or her profession which is authorized under his or her
145 practice act, and any corresponding designations or initials so

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146 authorized, to describe himself or herself and his or her
147 practice.

148 (b) A licensed practitioner who has a specialty area of
149 practice authorized under his or her practice act may use the
150 following format to identify himself or herself or describe his
151 or her practice: "... (name or title of the practitioner's
152 profession)..., specializing in ... (name of the practitioner's
153 specialty)...."

154 (c) A chiropractic physician licensed under chapter 460 may
155 use the titles "chiropractic physician," "doctor of chiropractic
156 medicine," "chiropractic radiologist," and other titles,
157 abbreviations, or designations authorized under his or her
158 practice act or reflecting those chiropractic specialty areas in
159 which the chiropractic physician has attained diplomate status
160 as recognized by the American Chiropractic Association, the
161 International Chiropractors Association, the International
162 Academy of Clinical Neurology, or the International Chiropractic
163 Pediatric Association.

164 (d) A podiatric physician licensed under chapter 461 may
165 use the following titles and abbreviations as applicable to his
166 or her license, specialty, and certification: "podiatric
167 physician," "podiatric surgeon," "Fellow in the American College
168 of Foot and Ankle Surgeons," and other titles or abbreviations
169 authorized under his or her practice act.

170 (e) A dentist licensed under chapter 466 may use the
171 following titles and abbreviations as applicable to his or her
172 license, specialty, and certification: "doctor of medicine in
173 dentistry," "doctor of dental medicine," "D.M.D.," "doctor of
174 dental surgery," "D.D.S.," "oral surgeon," "maxillofacial

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175 surgeon," "oral and maxillofacial surgeon," "O.M.S.," "oral
176 radiologist," "dental anesthesiologist," "oral pathologist," and
177 any other titles or abbreviations authorized under his or her
178 practice act.

179 (f) An anesthesiologist assistant licensed under chapter
180 458 or chapter 459 may use only the titles "anesthesiologist
181 assistant" or "certified anesthesiologist assistant" and the
182 abbreviation "C.A.A."

183 (4) This section may not be construed to prohibit or
184 interfere with a licensed practitioner's ability to lawfully
185 bill the Medicare program or other federal health care program
186 using definitions or terminology provided under applicable
187 federal law or regulations for services rendered to a patient
188 enrolled in such program.

189 Section 3. Paragraph (t) of subsection (1) of section
190 456.072, Florida Statutes, is amended to read:

191 456.072 Grounds for discipline; penalties; enforcement.—

192 (1) The following acts shall constitute grounds for which
193 the disciplinary actions specified in subsection (2) may be
194 taken:

195 (t) 1. A practitioner's failure, when treating or consulting
196 with a patient, ~~Failing to identify through written notice,~~
197 ~~which may include~~ the wearing of a name tag the practitioner's
198 name and profession, as defined in s. 456.0651, ~~or orally to a~~
199 patient the type of license under which the practitioner is
200 practicing. The information on the name tag must be consistent
201 with the specifications of s. 456.0651(2) such that it does not
202 constitute the unlicensed practice of medicine or osteopathic
203 medicine.

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204 2. The failure of any advertisement for health care
205 services naming the practitioner to ~~must~~ identify the
206 profession, as defined in s. 456.0651, under which the
207 practitioner is practicing and the practitioner's educational
208 degree, as defined in s. 456.0651, in relation to the services
209 featured in the advertisement ~~type of license the practitioner~~
210 ~~holds.~~

211 3. Subparagraph 1. This paragraph does not apply to a
212 practitioner while the practitioner is providing services in his
213 or her own office that houses his or her practice or group
214 practice. In such a case, if the practitioner chooses not to
215 wear a name tag, the practitioner must prominently display a
216 copy of his or her license in a conspicuous area of the practice
217 so that it is easily visible to patients. The copy of the
218 license must be no smaller than the original license. Such
219 practitioner shall also verbally identify himself or herself to
220 a new patient by name and identify the profession, as defined in
221 s. 456.0651, under which the practitioner is practicing. Such
222 verbal identification must be consistent with the specifications
223 of s. 456.0651(2) such that it does not constitute the
224 unlicensed practice of medicine or osteopathic medicine a
225 facility licensed under chapter 394, chapter 395, chapter 400,
226 or chapter 429.

227 4. Each board, or the department if ~~where~~ there is no
228 board, shall ~~is~~ authorized by rule ~~to~~ determine how its
229 practitioners ~~must~~ ~~may~~ comply with this paragraph disclosure
230 requirement.

231 Section 4. This act shall take effect July 1, 2024.