

1 A bill to be entitled
2 An act relating to health care practitioner
3 identification; amending s. 456.003, F.S.; revising
4 legislative findings; creating s. 456.65, F.S.;
5 prohibiting the use of specified titles and
6 designations by health care practitioners not licensed
7 as physicians or osteopathic physicians, as
8 applicable, with an exception; providing that the use
9 of such titles and designations constitutes the
10 unlicensed practice of medicine or osteopathic
11 medicine, as applicable; authorizing the department to
12 pursue specified remedies for such violations;
13 authorizing health care practitioners to use names and
14 titles, and their corresponding designations and
15 initials, authorized by their respective practice
16 acts; specifying the manner in which health care
17 practitioners may represent their specialty practice
18 areas; specifying titles and abbreviations certain
19 health care practitioners may use; providing
20 construction; amending ss. 458.3312 and 459.0152,
21 F.S.; specifying specialist titles and designations
22 that physicians and osteopathic physicians,
23 respectively, are prohibited from using unless they
24 have received formal recognition by the appropriate
25 recognizing agency for such specialty certifications;

26 | authorizing the Board of Medicine and the Board of
 27 | Osteopathic Medicine, as applicable, to adopt certain
 28 | rules; amending s. 641.51, F.S.; revising written
 29 | notification requirements for adverse determinations
 30 | made by a health maintenance organization; providing
 31 | an effective date.

32 |

33 | Be It Enacted by the Legislature of the State of Florida:

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35 | **Section 1. Subsection (2) of section 456.003, Florida**
 36 | **Statutes, is amended to read:**

37 | 456.003 Legislative intent; requirements.—

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

50 | (a) Their unregulated practice can harm or endanger the

51 health, safety, and welfare of the public, and when the
 52 potential for such harm is recognizable and clearly outweighs
 53 any anticompetitive impact which may result from regulation.

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

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

59 **Section 2. Section 456.65, Florida Statutes, is created to**
 60 **read:**

61 456.65 Specialties.—

62 (1) (a) A health care practitioner not licensed as a
 63 physician under chapter 458 may not hold himself or herself out
 64 to a patient or the public at large as a specialist by
 65 describing himself or herself or his or her practice through the
 66 use of any specialist title or designation specifically listed
 67 under s. 458.3312(2), either alone or in combination, or in
 68 connection with other words, unless the practitioner is
 69 authorized to use such specialist title or designation under
 70 subsection (2).

71 (b) A health care practitioner not licensed as a physician
 72 under chapter 459 may not hold himself or herself out to a
 73 patient or the public at large as a specialist by describing
 74 himself or herself or his or her practice through the use of any
 75 specialist title or designation specifically listed under s.

76 459.0152(2), either alone or in combination, or in connection
77 with other words, unless the practitioner is authorized to use
78 such specialist title or designation under subsection (2).

79 (c) A violation of paragraph (a) or paragraph (b)
80 constitutes the unlicensed practice of medicine or osteopathic
81 medicine, as applicable, and the department may pursue remedies
82 under s. 456.065 for such violation.

83 (2) Notwithstanding subsection (1):

84 (a) A licensed health care practitioner may use the name
85 or title of his or her profession which is authorized under his
86 or her practice act, and any corresponding designations or
87 initials so authorized, to describe himself or herself and his
88 or her practice.

89 (b) A licensed health care practitioner who has a
90 specialty area of practice authorized under his or her practice
91 act may use the following format to identify himself or herself
92 or describe his or her practice: "... (name or title of the
93 practitioner's profession) ..., specializing in ... (name of the
94 practitioner's specialty)"

95 (c) A chiropractic physician licensed under chapter 460
96 may use the title "chiropractic radiologist" and other titles,
97 abbreviations, or designations authorized under his or her
98 practice act reflecting those chiropractic specialty areas in
99 which the chiropractic physician has attained diplomate status
100 as recognized by the American Chiropractic Association, the

101 International Chiropractors Association, the International
102 Academy of Clinical Neurology, or the International Chiropractic
103 Pediatric Association.

104 (d) A podiatric physician licensed under chapter 461 may
105 use the following titles and abbreviations as applicable to his
106 or her license, specialty, and certification: "podiatric
107 surgeon," "Fellow in the American College of Foot and Ankle
108 Surgeons," and any other titles or abbreviations authorized
109 under his or her practice act.

110 (e) A dentist licensed under chapter 466 may use the
111 following titles and abbreviations as applicable to his or her
112 license, specialty, and certification: "doctor of dental
113 surgery," "D.D.S.," "oral surgeon," "maxillofacial surgeon,"
114 "oral and maxillofacial surgeon," "O.M.S.," "dental
115 anesthesiologist," "oral pathologist," "oral radiologist," and
116 any other titles or abbreviations authorized under his or her
117 practice act.

118 (f) An anesthesiologist assistant licensed under chapter
119 458 or chapter 459 may use only the titles "anesthesiologist
120 assistant" or "certified anesthesiologist assistant" and the
121 abbreviation "C.A.A."

122 (3) This section may not be construed to prohibit or
123 interfere with a licensed practitioner's ability to bill
124 lawfully the Medicare program or other federal health care
125 program using definitions or terminology provided under

126 applicable federal law or regulations for services rendered to a
127 patient enrolled in such program.

128 **Section 3. Section 458.3312, Florida Statutes, is amended**
129 **to read:**

130 458.3312 Specialties.—

131 (1) A physician licensed under this chapter may not hold
132 himself or herself out as a board-certified specialist unless
133 the physician has received formal recognition as a specialist
134 from a specialty board of the American Board of Medical
135 Specialties or other recognizing agency that has been approved
136 by the board. However, a physician may indicate the services
137 offered and may state that his or her practice is limited to one
138 or more types of services when this accurately reflects the
139 scope of practice of the physician.

140 (2) Specialist titles and designations that are subject to
141 subsection (1) include:

142 (a) Surgeon.

143 (b) Neurosurgeon.

144 (c) General surgeon.

145 (d) Anesthesiologist.

146 (e) Cardiologist.

147 (f) Dermatologist.

148 (g) Emergency physician.

149 (h) Endocrinologist.

150 (i) Family physician.

- 151 | (j) Gastroenterologist.
- 152 | (k) Gynecologist.
- 153 | (l) Hematologist.
- 154 | (m) Hospitalist.
- 155 | (n) Intensivist.
- 156 | (o) Internist.
- 157 | (p) Laryngologist.
- 158 | (q) Nephrologist.
- 159 | (r) Neurologist.
- 160 | (s) Obstetrician.
- 161 | (t) Oncologist.
- 162 | (u) Ophthalmologist.
- 163 | (v) Orthopedic surgeon.
- 164 | (w) Orthopedist.
- 165 | (x) Otologist.
- 166 | (y) Otolaryngologist.
- 167 | (z) Otorhinolaryngologist.
- 168 | (aa) Pathologist.
- 169 | (bb) Pediatrician.
- 170 | (cc) Proctologist.
- 171 | (dd) Psychiatrist.
- 172 | (ee) Radiologist.
- 173 | (ff) Rheumatologist.
- 174 | (gg) Rhinologist.
- 175 | (hh) Urologist.

176 (3) The board may adopt by rule additional specialist
177 titles and designations that are subject to subsection (1).

178 **Section 4. Section 459.0152, Florida Statutes, is amended**
179 **to read:**

180 459.0152 Specialties.—

181 (1) An osteopathic physician licensed under this chapter
182 may not hold himself or herself out as a board-certified
183 specialist unless the osteopathic physician has successfully
184 completed the requirements for certification by the American
185 Osteopathic Association or the Accreditation Council on Graduate
186 Medical Education and is certified as a specialist by a
187 certifying agency approved by the board. However, an osteopathic
188 physician may indicate the services offered and may state that
189 his or her practice is limited to one or more types of services
190 when this accurately reflects the scope of practice of the
191 osteopathic physician.

192 (2) Specialist titles and designations that are subject to
193 subsection (1) include:

194 (a) Surgeon.

195 (b) Neurosurgeon.

196 (c) General surgeon.

197 (d) Anesthesiologist.

198 (e) Cardiologist.

199 (f) Dermatologist.

200 (g) Endocrinologist.

- 201 | (h) Gastroenterologist.
- 202 | (i) Gynecologist.
- 203 | (j) Hematologist.
- 204 | (k) Hospitalist.
- 205 | (l) Intensivist.
- 206 | (m) Internist.
- 207 | (n) Laryngologist.
- 208 | (o) Nephrologist.
- 209 | (p) Neurologist.
- 210 | (q) Obstetrician.
- 211 | (r) Oncologist.
- 212 | (s) Ophthalmologist.
- 213 | (t) Orthopedic surgeon.
- 214 | (u) Orthopedist.
- 215 | (v) Otologist.
- 216 | (w) Otolaryngologist.
- 217 | (x) Otorhinolaryngologist.
- 218 | (y) Pathologist.
- 219 | (z) Pediatrician.
- 220 | (aa) Proctologist.
- 221 | (bb) Psychiatrist.
- 222 | (cc) Radiologist.
- 223 | (dd) Rheumatologist.
- 224 | (ee) Rhinologist.
- 225 | (ff) Urologist.

226 (3) The board may adopt by rule additional specialist
 227 titles and designations that are subject to subsection (1).

228 **Section 5. Subsection (4) of section 641.51, Florida**
 229 **Statutes, is amended to read:**

230 641.51 Quality assurance program; second medical opinion
 231 requirement.—

232 (4) The organization shall ensure that only a physician
 233 holding an active, unencumbered license issued under chapter 458
 234 or chapter 459 may render an adverse determination regarding a
 235 service provided by a physician licensed in this state. The
 236 organization shall submit to the treating provider and the
 237 subscriber written notification regarding the organization's
 238 adverse determination within 2 working days after the subscriber
 239 or provider is notified of the adverse determination. The
 240 written notification must include the utilization review
 241 criteria or benefits provisions used in the adverse
 242 ~~determination, identify the physician who rendered the adverse~~
 243 ~~determination,~~ and be signed by an authorized representative of
 244 the organization ~~or the physician who rendered the adverse~~
 245 ~~determination.~~ The organization must include with the
 246 notification of an adverse determination information concerning
 247 the appeal process for adverse determinations. The written
 248 notification must include a written disclosure stating that the
 249 determination was made by a physician holding an active,
 250 unencumbered license issued under chapter 458 or chapter 459.

251 The organization shall maintain a record of each adverse
252 determination and identify in those records the physician who
253 rendered the adverse determination. This subsection ~~provision~~
254 does not create authority for the Board of Medicine or the Board
255 of Osteopathic Medicine to regulate the organization; however,
256 the Board of Medicine and the Board of Osteopathic Medicine each
257 continue to have jurisdiction over licensees of their respective
258 boards.

259 **Section 6.** This act shall take effect July 1, 2025.