

Committee Substitute for Senate Bill No. 1410

An act relating to rulemaking authority with respect to health care professionals (RAB); amending s. 402.48, F.S.; requiring persons who operate health care services pools to make certain reports to the Department of Health; authorizing the department to conduct inspections; providing requirements for an application for renewal of registration with the department; authorizing the department to adopt rules governing recordkeeping, personnel procedures, and disciplinary sanctions; amending s. 455.707, F.S.; requiring that rules of the Department of Health governing treatment programs for impaired practitioners include requirements for the continued care and monitoring of a professional; amending s. 466.036, F.S.; authorizing the Department of Health to require that an applicant for a certificate to operate a dental laboratory provide additional information; amending s. 467.006, F.S.; specifying a minimum age for licensure as a midwife; amending s. 467.012, F.S.; providing additional requirements for continuing education programs for licensed midwives; providing that a midwife may fulfill a portion of the requirement for continuing education by performing pro bono services; providing recordkeeping requirements; providing requirements for providers of continuing education programs; amending s. 467.013, F.S.; providing requirements for placing a license to practice midwifery on inactive status and for reactivating such a license; amending ss. 467.0135, 467.019, F.S.; providing for the Department of Health to adopt rules with respect to the payment of fees by midwives and recordkeeping requirements; amending s. 491.007, F.S.; exempting a certified master social worker from certain requirements for continuing education; amending s. 491.0145, F.S.; providing requirements for the examination for designation as a certified master social worker; authorizing the department to adopt rules with respect to certification requirements; providing an effective date.

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

Section 1. Subsections (2), (4), and (9) of section 402.48, Florida Statutes, are amended to read:

402.48 Health care services pools.—

(2) Each person who operates a health care services pool must register each separate business location with the department. The department shall adopt rules and provide forms required for such registration and shall impose a registration fee in an amount sufficient to cover the cost of administering this section. In addition, the registrant must provide the department with any change of information contained on the original registration application within 14 days after the change. The department may inspect the offices of any health care services pool at any reasonable time for the purpose

of determining compliance with this section or the rules adopted under this section.

(4) Each registration shall be for a period of 2 years. The application for renewal must be received by the department at least 20 days before the expiration date of the registration. A new registration is required upon the sale of a controlling interest in a health care services pool.

(9) The department shall adopt rules to implement this section, including rules providing for the establishment of:

(a) Minimum standards for the operation and administration of health care personnel pools, including procedures for recordkeeping and personnel.

(b) Fines for the violation of this section in an amount not to exceed \$1,000 and suspension or revocation of registration.

(c) Disciplinary sanctions for failure to comply with this section or the rules adopted under this section.

Section 2. Subsection (1) of section 455.707, Florida Statutes, is amended to read:

455.707 Treatment programs for impaired practitioners.—

(1) For professions that do not have impaired practitioner programs provided for in their practice acts, the department shall, by rule, designate approved treatment programs under this section. The department may adopt rules setting forth appropriate criteria for approval of treatment providers based on the policies and guidelines established by the Impaired Practitioners Committee. The rules must specify the manner in which the consultant works with the department in intervention, requirements for evaluating and treating a professional, and requirements for the continued care and monitoring of a professional by the consultant at a department-approved treatment provider. The department shall not compel any impaired practitioner program in existence on October 1, 1992, to serve additional professions.

Section 3. Section 466.036, Florida Statutes, is amended to read:

466.036 Information and periodic inspections required.—The department may require from the applicant for a registration certificate to operate a dental laboratory any information necessary to carry out the purpose of this chapter, including proof that the applicant has the equipment and supplies necessary to operate as determined by rule of the department, and shall require periodic inspection of all dental laboratories operating in this state. Such inspections shall include, but not be limited to, inspection of sanitary conditions, equipment, supplies, and facilities on the premises. The department shall specify dental equipment and supplies that are not permitted in a registered dental laboratory.

Section 4. Subsection (1) of section 467.006, Florida Statutes, is amended to read:

467.006 Requirements to practice midwifery.—

(1) Any person who seeks to practice midwifery in this state must be at least 21 years of age and must be licensed pursuant to s. 464.012 or this chapter.

Section 5. Section 467.012, Florida Statutes, is amended to read:

467.012 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee, provided the applicant is in compliance with the provisions of this chapter and rules adopted under this chapter promulgated hereunder.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses.

(3) The department may by rule prescribe continuing education requirements, not to exceed 20 hours biennially, as a condition for renewal of a license. The criteria for continuing education programs shall be approved by the department. Any individual, institution, organization, or agency that is approved by the department to provide continuing education programs to midwives for the purpose of license renewal must demonstrate that such programs comply with the following criteria:

(a) The programs have clinical relevance to the practice of midwifery;

(b) The programs are at least 1 clock hour in duration;

(c) The programs have an organized structure with objectives and expected outcomes; and

(d) Each presenter, instructor, or facilitator of programs is a recognized professional, such as a physician, nurse, certified nurse midwife, psychologist, or licensed midwife.

(4) The department shall approve, through the adoption of rules, continuing education programs that meet the criteria of this section and have clinical relevance to the practice of midwifery. Each midwife shall be required to affirm that he or she has the applicable number of continuing education hours for the reporting period as specified by the department.

(5) A midwife licensed in this state who resides in another state may obtain the continuing education credits required for license renewal by attending a program approved by the agency in the midwife's state of residence which regulates the licensure of health care professionals in that state if such program has clinical relevance to the practice of midwifery.

(6) A licensed midwife may fulfill up to 5 hours of continuing education credit by providing pro bono services for indigent persons or underserved populations in areas of critical need within the state.

(7) In order to authorize continuing education credit for pro bono services, the department shall adopt rules requiring that a licensee notify the

department of his or her intention of providing these services; the type, nature, and extent of services to be rendered; the location where the services will be rendered; the number of patients expected to be served; and a statement indicating that the patients to be served are indigent.

(8) Each midwife shall maintain documentation of pro bono service for 4 years after the date the credits are used as a basis for license renewal and shall submit a certified copy of such documentation to the department upon request.

(9) The department shall audit the files of randomly selected licensees to ensure compliance with this section and with rules adopted under this section. The department may take disciplinary action, as established by rule, against a licensee who fails to maintain the required documentation for continuing education, patient records, and pro bono service or who submits false or misleading information or documentation to the department.

(10) Any individual, institution, organization, or agency that seeks approval by the department for the purpose of conducting continuing education programs for licensed midwives must apply to the department. The department shall issue a provider number to all approved providers, which number must appear on all documents that relate to each continuing education program conducted by the provider. A provider's approved status remains in effect for the biennium in which such status was granted by the department. The department may renew a provider's approved status if the provider meets the requirements established by the department by rule. An approved provider shall maintain the following records for each continuing education program for 4 years following the licensure biennium during which the program was offered:

(a) A program outline that reflects the educational objectives of the program;

(b) The instructor's name;

(c) The date and location of the program;

(d) The participants' evaluations of the program;

(e) The number of clock hours of credit awarded to each participant; and

(f) A roster of participants by name and license number.

(11) The approved provider of a continuing education program shall certify the participation of any midwife who completes the program by providing the midwife with a certificate or comparable documentation verifying that the midwife completed the program. The department shall adopt rules that establish what the verification must contain.

(12) A presenter of a continuing education program may receive the same amount of credit, on a one-time basis, as the program participants. The presenter must have developed the program, been in attendance for the entire program, and received documentation of completion from the ap-

proved provider. A licensee may receive up to three hours of continuing education credit per biennium for presenting programs.

(13) The department may audit or monitor programs and review records and program materials given by any approved provider. The department may rescind a provider's approved status or reject an individual program given by a provider if the program does not have clinical relevance to the practice of midwifery, if any false or misleading information is disseminated in connection with the continuing education program, or if the provider fails to conform to and abide by the conditions outlined in the application and rules of the department.

Section 6. Section 467.013, Florida Statutes, is amended to read:

467.013 Inactive status.—A licensee may request that his or her license be placed in an inactive status by making application to the department and paying a fee.

(1) An inactive license may be renewed for one additional biennium upon application to the department and payment of the applicable biennium renewal fee. The department shall establish by rule procedures and fees for applying to place a license on inactive status, renewing an inactive license, and reactivating an inactive license. The fee for any of these procedures may not exceed the biennial renewal fee established by the department.

(2) Any license that is not renewed by the end of the biennium established by the department automatically reverts to involuntary inactive status unless the licensee has applied for voluntary inactive status. Such license may be reactivated only if the licensee meets the requirements for reactivating the license established by department rule.

(3) A midwife who desires to reactivate an inactive license shall apply to the department, complete the reactivation application, remit the applicable fees, and submit proof of compliance with the requirements for continuing education established by department rule.

(4) Each licensed midwife whose license has been placed on inactive status for more than 1 year must complete continuing education hours as a condition of reactivating the inactive license.

(5) The licensee shall submit to the department evidence of participation in 10 hours of continuing education, approved by the department and clinically related to the practice of midwifery, for each year of the biennium in which the license was inactive. This requirement is in addition to submitting evidence of completing the continuing education required for the most recent biennium in which the licensee held an active license.

Section 7. Section 467.0135, Florida Statutes, is amended to read:

467.0135 Fees.—The department shall establish fees for application, examination, initial licensure, renewal of licensure, licensure by endorsement, inactive status, delinquent status, and reactivation of an inactive license. The appropriate fee must be paid at the time of application and is payable

to the Department of Health, in accordance with rules adopted by the department. A fee is nonrefundable, unless otherwise provided by rule. A fee, which may not exceed:

- (1) Five hundred dollars for examination.
- (2) Five hundred dollars for initial licensure.
- (3) Five hundred dollars for renewal of licensure.
- (4) Two hundred dollars for application, which fee is nonrefundable.
- (5) Five hundred dollars for reactivation of an inactive license.
- (6) Five hundred dollars for licensure by endorsement.

A No fee for inactive status, reactivation of an inactive license, or delinquency may not exceed the fee established by the department for biennial renewal of an active license. All fees collected under this section shall be deposited in the Professional Regulation Trust Fund.

Section 8. Subsections (4), (5), (6), and (7) are added to section 467.019, Florida Statutes, to read:

467.019 Records and reports.—

(4) The department shall adopt rules requiring that a midwife keep a record of each patient served. Such record must document, but need not be limited to, each consultation, referral, transport, transfer of care, and emergency care rendered by the midwife and must include all subsequent updates and copy of the birth certificate. These records shall be kept on file for a minimum of 5 years following the date of the last entry in the records.

(5) Within 90 days after the death of a midwife, the estate or agent shall place all patient records of the deceased midwife in the care of another midwife licensed in this state who shall ensure that each patient of the deceased midwife is notified in writing. A midwife who terminates or relocates to private practice outside the local telephone directory service area of the midwife's current practice shall provide notice to all patients as prescribed by department rule.

(6) The department shall adopt rules to provide for maintaining patient records of a deceased midwife or a midwife who terminates or relocates a private practice.

(7) A licensed midwife who is or has been employed by a practice or facility, such as a birth center, which maintains patient records as records belonging to the facility may review patient records on the premises of the practice or facility as necessary for statistical purposes.

Section 9. Subsection (2) of section 491.007, Florida Statutes, is amended to read:

491.007 Renewal of license, registration, or certificate.—

(2) Each applicant for renewal shall present satisfactory evidence that, in the period since the license or certificate was issued, the applicant has completed continuing education requirements set by rule of the board or department. Not more than 25 classroom hours of continuing education per year shall be required. A certified master social worker is exempt from the continuing education requirements for the first renewal of the certificate.

Section 10. Subsections (1) and (3) of section 491.0145, Florida Statutes, are amended to read:

491.0145 Certified master social worker.—The department may certify an applicant for a designation as a certified master social worker upon the following conditions:

(1) The applicant completes an application to be provided by the department and pays a fee not to exceed \$250 to be established by rule of the department. The completed application must be received by the department at least 60 days before the date of the examination in order for the applicant to qualify to take the scheduled exam.

(3) The applicant has had at least 3 years' experience, as defined by rule, including, but not limited to, clinical services or administrative activities as defined in subsection (2), 2 years of which must be at the post-master's level under the supervision of a person who meets the education and experience requirements for certification as a certified master social worker, as defined by rule, or licensure as a clinical social worker under this chapter. A doctoral internship may be applied toward the supervision requirement.

Section 11. This act shall take effect July 1, 1998.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.