

## Committee Substitute for Senate Bill No. 2128

An act relating to regulation of professions; amending ss. 455.209, 455.213, 455.218, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.225, F.S.; revising probable-cause provisions; prescribing authority of the department or a board in cases of failure to comply with continuing-education requirements; conforming provisions to a previous administrative reorganization; amending s. 455.2285, F.S.; conforming provisions to a previous administrative reorganization; amending s. 455.667, F.S.; revising provisions relating to ownership and control of patient records; amending s. 455.564, F.S.; authorizing the Department of Health and regulatory boards under the department to refuse to issue an initial license under circumstances relating to ongoing investigations or prosecutions of certain applicants; amending s. 455.565, F.S.; requiring certain applicants for restricted licensure as a physician to submit a set of fingerprints; amending ss. 458.320 and 459.0085, F.S.; revising notice requirements of financial responsibility for physicians and osteopathic physicians; repealing s. 455.661, F.S., relating to licensure of designated health services; amending s. 458.337, F.S.; requiring the Department of Health to notify health maintenance organizations of specified disciplinary action against physicians; amending s. 459.016, F.S.; requiring the Department of Health to notify health maintenance organizations of specified disciplinary action against osteopathic physicians; amending ss. 20.43, 120.80, 212.08, 215.37, 240.215, 310.102, 337.162, 381.0039, 383.32, 395.0193, 395.0197, 395.3025, 400.211, 400.491, 400.518, 408.061, 408.704, 409.2598, 415.1055, 415.5055, 415.51, 440.13, 455.565, 455.5651, 455.641, 455.651, 455.698, 455.717, 457.103, 458.307, 458.311, 458.3115, 458.3124, 458.319, 458.331, 458.343, 458.347, 459.004, 459.008, 459.015, 459.019, 459.022, 460.404, 460.4061, 460.407, 461.004, 461.007, 461.013, 462.01, 463.002, 463.003, 463.016, 464.004, 465.004, 465.006, 466.004, 466.007, 466.018, 466.022, 466.028, 467.003, 468.1135, 468.1145, 468.1185, 468.1295, 468.1665, 468.1755, 468.1756, 468.205, 468.219, 468.364, 468.365, 468.402, 468.4315, 468.453, 468.456, 468.4571, 468.506, 468.507, 468.513, 468.518, 468.523, 468.526, 468.532, 468.535, 468.701, 468.703, 468.707, 468.711, 468.719, 468.801, 468.811, 469.009, 470.003, 470.036, 471.008, 471.015, 471.033, 471.038, 472.015, 473.3035, 473.308, 473.311, 473.323, 474.204, 474.214, 474.2145, 475.021, 475.181, 475.25, 475.624, 476.204, 477.029, 480.044, 481.2055, 481.213, 481.225, 481.2251, 481.306, 481.311, 481.325, 483.805, 483.807, 483.901, 484.002, 484.003, 484.014, 484.042, 484.056, 486.023, 486.115, 486.172, 489.129, 489.533, 490.004, 490.00515, 490.009, 490.015, 491.004, 491.0047, 491.009, 491.015, 492.103, 492.113, 627.668, 627.912, 636.039, 641.27, 641.316, 641.55, 766.106, 766.305, 766.308, 766.314, 817.505, and 937.031, F.S.; correcting references, cross-references, definitions, and terminology relating to authority and jurisdiction of the Department of

Health; authorizing the department to issue a physicist-in-training certificate; authorizing the Board of Medicine to adopt by rule practice standards; authorizing the Board of Osteopathic Medicine to adopt by rule practice standards; amending ss. 215.20, 391.208, 391.217, 400.5575, 408.20, 641.60, F.S.; correcting cross-references relating to the Health Care Trust Fund; amending ss. 39.01, 320.0848, 381.026, 381.0261, 381.0302, 395.0191, 395.1041, 395.301, 404.22, 409.906, 415.503, 440.106, 440.13, 440.134, 440.15, 455.684, 455.691, 455.697, 455.698, 456.31, 456.32, 461.001, 461.002, 461.003, 461.004, 461.006, 461.009, 461.012, 461.013, 461.0134, 461.014, 461.015, 461.018, 464.003, 468.301, 468.302, 468.304, 468.307, 468.314, 476.044, 477.0135, 483.901, 486.161, 621.03, 627.351, 627.357, 627.419, 627.6482, 627.912, 641.425, 725.01, 766.101, 766.102, 766.103, 766.105, 766.110, 766.1115, 893.02, 984.03, F.S.; revising terminology relating to podiatry and podiatrists; authorizing dentists and dental hygienists to be governmental contractors; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; requiring the Department of Health to adopt rules governing insurance coverage for midwives; amending s. 455.564, F.S.; requiring that the Department of Health issue certain identification cards and certificates; requiring that the Department of Health or a regulatory board adopt rules governing alternative methods by which licensees may obtain continuing education credits in risk management; amending s. 455.574, F.S.; requiring the Department of Health to adopt rules governing licensure examinations; amending s. 468.705, F.S.; requiring that the Department of Health adopt rules governing a protocol between athletic trainers and supervising physicians; amending s. 865.09, F.S., relating to fictitious name registration; providing certain exemptions for persons licensed by the Department of Health; amending ss. 627.6407, 627.6619, F.S.; providing conditions for health insurance coverage of massage; amending s. 458.317, F.S.; providing requirements for a physician who practices under a limited license; amending s. 465.019, F.S.; providing emergency room physician authority to dispense up to a 24-hour drug supply to a patient under certain circumstances; amending s. 468.703, F.S.; revising requirements for members of the Council of Athletic Training; amending s. 766.204, F.S.; revising procedures for the availability of medical records; amending s. 483.901, F.S.; revising a deadline for issuance of certain licenses to practice medical physics; amending ss. 458.345, 459.021, F.S.; revising the requirements for a hospital's submission of reports on resident physicians, interns, and fellows; amending ss. 20.43, 322.125, 381.0031, 381.0302, 382.002, 395.0195, 415.1034, 415.504, 440.106, 440.13, 440.134, 440.15, 455.564, 455.654, 455.684, 455.691, 455.694, 456.31, 456.32, 459.002, 460.403, 460.404, 460.405, 460.406, 460.408, 460.411, 460.412, 460.413, 460.4166, 462.01, 468.301, 468.302, 468.314, 476.044, 477.0135, 483.901, 486.021, 486.161, 621.03, 627.351, 627.357, 627.6482, 641.316, 725.01, 766.101, 766.102, 766.103, 817.234, and 945.047, F.S.; revising terminology relating to chiropractic medicine; retitling chapter 460, F.S., to conform; providing form of professional licenses; providing an appropriation to the Department of Health to develop the

examination required for foreign-licensed physicians; providing examination fees; providing an expiration date; amending s. 490.005, F.S.; revising requirements for licensure as a psychologist by examination to grandfather in certain applicants; providing an effective date.

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

Section 1. Subsection (2) of section 455.209, Florida Statutes, is amended to read:

455.209 Accountability and liability of board members.—

(2) Each board member and each former board member serving on a probable cause panel shall be exempt from civil liability for any act or omission when acting in the member's official capacity, and the department, or the Department of Legal Affairs shall defend any such member in any action against any board or member of a board arising from any such act or omission. In addition, the department or the Department of Legal Affairs may defend the member's company or business in any action against the company or business if the department or the Department of Legal Affairs determines that the actions from which the suit arises are actions taken by the member in the member's official capacity and were not beyond the member's statutory authority. In providing such defense, the department, ~~the agency,~~ or the Department of Legal Affairs may employ or utilize the legal services of outside counsel.

Section 2. Subsection (1) of section 455.213, Florida Statutes, is amended to read:

455.213 General licensing provisions.—

(1) Any person desiring to be licensed shall apply to the department in writing. The application for licensure shall be made on a form prepared and furnished by the department and include the applicant's social security number. The application shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department ~~agency~~. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department. In cases where a person applies or schedules directly with a national examination organization or examination vendor to take an examination required for licensure, any organization- or vendor-related fees associated with the examination may be paid directly to the organization or vendor.

Section 3. Subsection (6) of section 455.218, Florida Statutes, is amended to read:

455.218 Foreign-trained professionals; special examination and license provisions.—

(6) The department, for its boards, shall not issue an initial license to, or renew a license of, any applicant or licensee who is under investigation or prosecution in any jurisdiction for an action which would constitute a violation of this part or the professional practice acts administered by the department ~~or agency~~ and the boards until such time as the investigation or prosecution is complete, at which time the provisions of the professional practice acts shall apply.

Section 4. Subsections (2), (4), and (9) of section 455.225, Florida Statutes, are amended to read:

455.225 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(2) The department shall allocate sufficient and adequately trained staff to expeditiously and thoroughly determine legal sufficiency and investigate all legally sufficient complaints. ~~For purposes of this section, it is the intent of the Legislature that the term “expeditiously” means that the agency, for disciplinary cases under its jurisdiction, shall complete the report of its initial investigative findings and recommendations concerning the existence of probable cause within 6 months after its receipt of the complaint. The failure of the agency, for disciplinary cases under its jurisdiction, to comply with the time limits of this section while investigating a complaint against a licensee constitutes harmless error in any subsequent disciplinary action unless a court finds that either the fairness of the proceeding or the correctness of the action may have been impaired by a material error in procedure or a failure to follow prescribed procedure.~~ When its investigation is complete and legally sufficient, the department shall prepare and submit to the probable cause panel of the appropriate regulatory board the investigative report of the department. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause. At any time after legal sufficiency is found, the department may dismiss any case, or any part thereof, if the department determines that there is insufficient evidence to support the prosecution of allegations contained therein. The department shall provide a detailed report to the appropriate probable cause panel prior to dismissal of any case or part thereof, and to the subject of the complaint after dismissal of any case or part thereof, under this section. For cases dismissed prior to a finding of probable cause, such report is confidential and exempt from s. 119.07(1). The probable cause panel shall have access, upon request, to the investigative files pertaining to a case prior to dismissal of such case. If the department dismisses a case, the probable cause panel may retain independent legal counsel, employ investigators, and continue the investigation and prosecution of the case as it deems necessary.

(4) The determination as to whether probable cause exists shall be made by majority vote of a probable cause panel of the board, or by the department, as appropriate. Each regulatory board shall provide by rule that the determination of probable cause shall be made by a panel of its members or

by the department. Each board may provide by rule for multiple probable cause panels composed of at least two members. Each board may provide by rule that one or more members of the panel or panels may be a former board member. The length of term or repetition of service of any such former board member on a probable cause panel may vary according to the direction of the board when authorized by board rule. Any probable cause panel must include one of the board's former or present consumer members, if one is available, willing to serve, and is authorized to do so by the board chair. Any probable cause panel must include a present board member. Any probable cause panel must include a former or present professional board member. However, any former professional board member serving on the probable cause panel must hold an active valid license for that profession. All proceedings of the panel are exempt from s. 286.011 until 10 days after probable cause has been found to exist by the panel or until the subject of the investigation waives his or her privilege of confidentiality. The probable cause panel may make a reasonable request, and upon such request the department shall provide such additional investigative information as is necessary to the determination of probable cause. A request for additional investigative information shall be made within 15 days from the date of receipt by the probable cause panel of the investigative report of the department. The probable cause panel or the department, as may be appropriate, shall make its determination of probable cause within 30 days after receipt by it of the final investigative report of the department. The secretary may grant extensions of the 15-day and the 30-day time limits. In lieu of a finding of probable cause, the probable cause panel, or the department when there is no board, may issue a letter of guidance to the subject. If, within the 30-day time limit, as may be extended, the probable cause panel does not make a determination regarding the existence of probable cause or does not issue a letter of guidance in lieu of a finding of probable cause, the department agency, for disciplinary cases under its jurisdiction, must make a determination regarding the existence of probable cause within 10 days after the expiration of the time limit. If the probable cause panel finds that probable cause exists, it shall direct the department to file a formal complaint against the licensee. The department shall follow the directions of the probable cause panel regarding the filing of a formal complaint. If directed to do so, the department shall file a formal complaint against the subject of the investigation and prosecute that complaint pursuant to chapter 120. However, the department may decide not to prosecute the complaint if it finds that probable cause had been improvidently found by the panel. In such cases, the department shall refer the matter to the board. The board may then file a formal complaint and prosecute the complaint pursuant to chapter 120. The department shall also refer to the board any investigation or disciplinary proceeding not before the Division of Administrative Hearings pursuant to chapter 120 or otherwise completed by the department within 1 year after the filing of a complaint. The department agency, for disciplinary cases under its jurisdiction, must establish a uniform reporting system to quarterly refer to each board the status of any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the department or agency within 1 year after the filing of the complaint. ~~Annually, the agency, for disciplinary cases under its jurisdiction if there is no board, or each board must establish a plan to reduce or otherwise close~~

any investigation or disciplinary proceeding that is not before the Division of Administrative Hearings or otherwise completed by the agency within 1 year after the filing of the complaint. A probable cause panel or a board may retain independent legal counsel, employ investigators, and continue the investigation as it deems necessary; all costs thereof shall be paid from the Professional Regulation Trust Fund. All proceedings of the probable cause panel are exempt from s. 120.525.

(9)(a) The department shall periodically notify the person who filed the complaint of the status of the investigation, whether probable cause has been found, and the status of any civil action or administrative proceeding or appeal.

~~(b) In any disciplinary case under the jurisdiction of the Agency for Health Care Administration for which probable cause has been found, the Agency for Health Care Administration shall provide to the person who filed the complaint a copy of the administrative complaint, including:~~

~~1.— A written explanation of how an administrative complaint is resolved by the disciplinary process.~~

~~2.— A written explanation of how and when the person may participate in the disciplinary process.~~

~~3.— A written notice of any hearing before the Division of Administrative Hearings or the regulatory board at which final agency action is taken.~~

~~(c) In any disciplinary case for which probable cause is not found, the Agency for Health Care Administration shall so inform the person who filed the complaint and notify that person that he or she may, within 60 days, provide any additional information to the probable cause panel which may be relevant to the decision. In any administrative proceeding under s. 120.57, the person who filed the disciplinary complaint shall have the right to present oral or written communication relating to the alleged disciplinary violations or to the appropriate penalty.~~

Section 5. Section 455.2285, Florida Statutes, is amended to read:

455.2285 Annual report concerning finances, administrative complaints, disciplinary actions, and recommendations.—The department is directed to prepare and submit a report to the President of the Senate and Speaker of the House of Representatives by November 1 of each year. In addition to finances and any other information the Legislature may require, the report shall include statistics and relevant information, profession by profession, detailing:

(1) The revenues, expenditures, and cash balances for the prior year, and a review of the adequacy of existing fees.

(2) The number of complaints received and investigated.

(3) The number of findings of probable cause made.

- (4) The number of findings of no probable cause made.
- (5) The number of administrative complaints filed.
- (6) The disposition of all administrative complaints.
- (7) A description of disciplinary actions taken.
- (8) A description of any effort by the department ~~agency~~, for any disciplinary cases under its jurisdiction, to reduce or otherwise close any investigation or disciplinary proceeding not before the Division of Administrative Hearings under chapter 120 or otherwise not completed within 1 year after the initial filing of a complaint under this chapter.
- (9) The status of the development and implementation of rules providing for disciplinary guidelines pursuant to s. 455.2273.
- (10) Such recommendations for administrative and statutory changes necessary to facilitate efficient and cost-effective operation of the department and the various boards.

Section 6. Subsection (2) of section 455.667, Florida Statutes, is amended to read:

455.667 Ownership and control of patient records; report or copies of records to be furnished.—

(2) As used in this section, the terms “records owner,” “health care practitioner,” and “health care practitioner’s employer” do not include any of the following persons or entities; furthermore, the following persons or entities are not authorized to acquire or own medical records, but are authorized under the confidentiality and disclosure requirements of this section to maintain those documents required by the part or chapter under which they are licensed or regulated:

- (a) Certified nursing assistants regulated under s. 400.211.
- (b) Pharmacists and pharmacies licensed under chapter 465.
- (c) Dental hygienists licensed under s. 466.023.
- (d) Nursing home administrators licensed under part II of chapter 468.
- (e) Respiratory therapists regulated under part V of chapter 468.
- (f) Athletic trainers licensed under part XIV of chapter 468.
- (g) Electrologists licensed under chapter 478.
- (h) Clinical laboratory personnel licensed under part III of chapter 483.
- (i) Medical physicists licensed under part IV of chapter 483.
- (j) Opticians and optical establishments licensed or permitted under part I of chapter 484.

(k) Persons or entities practicing under s. 627.736(7).

Section 7. Subsection (1) of section 455.564, Florida Statutes, is amended, present subsections (3) through (10) are renumbered as subsections (4) through (11), respectively, and a new subsection (3) is added to that section, to read:

455.564 Department; general licensing provisions.—

(1) Any person desiring to be licensed in a profession within the jurisdiction of the department shall apply to the department in writing to take the licensure examination. The application shall be made on a form prepared and furnished by the department and shall require the social security number of the applicant. The form shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department agency may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agency's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department agency.

(3) The board, or the department when there is no board, may refuse to issue an initial license to any applicant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this part or the professional practice acts administered by the department and the boards, until such time as the investigation or prosecution is complete.

Section 8. Paragraph (a) of subsection (4) of section 455.565, Florida Statutes, is amended to read:

455.565 Designated healthcare professionals; information required for licensure.—

(4)(a) An applicant for initial licensure must submit a set of fingerprints to the Department of Health in accordance with s. 458.311, s. 458.3115, s. 458.3124, s. 458.313, s. 459.0055, s. 460.406, or s. 461.006.

Section 9. Paragraph (g) of subsection (5) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:



1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either \$100,000, if the physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or \$250,000, if the physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he or she shall be subject to disciplinary action unless, within 30 days from the date of mailing, he or she either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event

that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to and provide a written statement to any person to whom medical services are being provided. ~~A copy of the written statement shall be given to each patient to sign, acknowledging receipt thereof, and the signed copy shall be maintained in the patient's file. If the patient refuses to sign or is unable to sign the written statement, the licensee shall so note it on the form.~~ Such sign or and statement shall state: "Under Florida law, physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR DOCTOR HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes penalties against noninsured physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law."

Section 10. Paragraph (g) of section (5) of section 459.0085, Florida Statutes, is amended to read:

459.0085 Financial responsibility.—

(5) The requirements of subsections (1), (2), and (3) shall not apply to:

(g) Any person holding an active license under this chapter who agrees to meet all of the following criteria:

1. Upon the entry of an adverse final judgment arising from a medical malpractice arbitration award, from a claim of medical malpractice either in contract or tort, or from noncompliance with the terms of a settlement agreement arising from a claim of medical malpractice either in contract or tort, the licensee shall pay the judgment creditor the lesser of the entire amount of the judgment with all accrued interest or either \$100,000, if the osteopathic physician is licensed pursuant to this chapter but does not maintain hospital staff privileges, or \$250,000, if the osteopathic physician is licensed pursuant to this chapter and maintains hospital staff privileges, within 60 days after the date such judgment became final and subject to execution, unless otherwise mutually agreed to in writing by the parties. Such adverse final judgment shall include any cross-claim, counterclaim, or claim for indemnity or contribution arising from the claim of medical malpractice. Upon notification of the existence of an unsatisfied judgment or payment pursuant to this subparagraph, the department shall notify the licensee by certified mail that he or she shall be subject to disciplinary action unless, within 30 days from the date of mailing, the licensee either:

a. Shows proof that the unsatisfied judgment has been paid in the amount specified in this subparagraph; or

b. Furnishes the department with a copy of a timely filed notice of appeal and either:

(I) A copy of a supersedeas bond properly posted in the amount required by law; or

(II) An order from a court of competent jurisdiction staying execution on the final judgment, pending disposition of the appeal.

2. The Department of Health shall issue an emergency order suspending the license of any licensee who, after 30 days following receipt of a notice from the Department of Health, has failed to: satisfy a medical malpractice claim against him or her; furnish the Department of Health a copy of a timely filed notice of appeal; furnish the Department of Health a copy of a supersedeas bond properly posted in the amount required by law; or furnish the Department of Health an order from a court of competent jurisdiction staying execution on the final judgment pending disposition of the appeal.

3. Upon the next meeting of the probable cause panel of the board following 30 days after the date of mailing the notice of disciplinary action to the licensee, the panel shall make a determination of whether probable cause exists to take disciplinary action against the licensee pursuant to subparagraph 1.

4. If the board determines that the factual requirements of subparagraph 1. are met, it shall take disciplinary action as it deems appropriate against the licensee. Such disciplinary action shall include, at a minimum, probation of the license with the restriction that the licensee must make payments to the judgment creditor on a schedule determined by the board to be reasonable and within the financial capability of the osteopathic physician. Notwithstanding any other disciplinary penalty imposed, the disciplinary penalty may include suspension of the license for a period not to exceed 5 years. In the event that an agreement to satisfy a judgment has been met, the board shall remove any restriction on the license.

5. The licensee has completed a form supplying necessary information as required by the department.

A licensee who meets the requirements of this paragraph shall be required either to post notice in the form of a sign prominently displayed in the reception area and clearly noticeable by all patients or to ~~and~~ provide a written statement to any person to whom medical services are being provided. ~~A copy of the written statement shall be given to each patient to sign, acknowledging receipt thereof, and the signed copy shall be maintained in the patient's file. If the patient refuses to sign or is unable to sign the written statement, the licensee shall so note it on the form.~~ Such sign or ~~and~~ statement shall state: "Under Florida law, osteopathic physicians are generally required to carry medical malpractice insurance or otherwise demonstrate financial responsibility to cover potential claims for medical malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under Florida law subject to certain conditions. Florida law imposes strict penalties

against noninsured osteopathic physicians who fail to satisfy adverse judgments arising from claims of medical malpractice. This notice is provided pursuant to Florida law.”

Section 11. Section 455.661, Florida Statutes, is repealed.

Section 12. Paragraph (g) of subsection (3) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(g) Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.
2. Health care services pools, as provided under s. 402.48.
3. The Board of Acupuncture, created under chapter 457.
4. The Board of Medicine, created under chapter 458.
5. The Board of Osteopathic Medicine, created under chapter 459.
6. The Board of Chiropractic, created under chapter 460.
7. The Board of Podiatric Medicine, created under chapter 461.
8. Naturopathy, as provided under chapter 462.
9. The Board of Optometry, created under chapter 463.
10. The Board of Nursing, created under chapter 464.
11. The Board of Pharmacy, created under chapter 465.
12. The Board of Dentistry, created under chapter 466.
13. Midwifery, as provided under chapter 467.
14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.
15. The Board of Nursing Home Administrators, created under part II of chapter 468.
16. The Board of Occupational Therapy, created as provided under part III of chapter 468.
17. Respiratory therapy, as provided under part V of chapter 468.
18. Dietetics and nutrition practice, as provided under part X of chapter 468.

19. Athletic trainers, as provided under part ~~XIII~~ XIV of chapter 468.
20. The Board of Orthotists and Prosthetists, created under part XIV of chapter 468.
- ~~21.~~20. Electrolysis, as provided under chapter 478.
- ~~22.~~21. The Board of Massage Therapy, created under chapter 480.
- ~~23.~~22. The Board of Clinical Laboratory Personnel, created under part III of chapter 483.
- ~~24.~~23. Medical physicists, as provided under part IV of chapter 483.
- ~~25.~~24. The Board of Opticianry, created under part I of chapter 484.
- ~~26.~~25. The Board of Hearing Aid Specialists, created under part II of chapter 484.
- ~~27.~~26. The Board of Physical Therapy Practice, created under chapter 486.
- ~~28.~~27. The Board of Psychology, created under chapter 490.
29. School psychologists, as provided under chapter 490.
- ~~30.~~28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department may contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 13. Paragraph (b) of subsection (4) of section 120.80, Florida Statutes, is amended, and subsection (15) is added to that section, to read:

120.80 Exceptions and special requirements; agencies.—

(4) DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.—

(b) Professional regulation.—Notwithstanding s. 120.57(1)(a), formal hearings may not be conducted by the Secretary of Business and Professional Regulation, ~~the director of the Agency for Health Care Administration,~~ or a board or member of a board within the Department of Business and Professional Regulation ~~or the Agency for Health Care Administration~~ for matters relating to the regulation of professions, as defined by part I of chapter 455.

(15) DEPARTMENT OF HEALTH.—Notwithstanding s. 120.57(1)(a), formal hearings may not be conducted by the Secretary of Health, the director of the Agency for Health Care Administration, or a board or member of a board within the Department of Health or the Agency for Health Care

Administration for matters relating to the regulation of professions, as defined by part II of chapter 455.

Section 14. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—

(o) Religious, charitable, scientific, educational, and veterans' institutions and organizations.—

1. There are exempt from the tax imposed by this chapter transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

c. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this chapter.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free transportation services to church members, their families, and other church attendees. The term "religious institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members. The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consists of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public. The term "religious

institutions” also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1986, as amended, which provides regular religious services to Florida state prisoners and which from its own established physical place of worship, operates a ministry providing worship and services of a charitable nature to the community on a weekly basis.

b. “Charitable institutions” means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

(I) Medical aid for the relief of disease, injury, or disability;

(II) Regular provision of physical necessities such as food, clothing, or shelter;

(III) Services for the prevention of or rehabilitation of persons from alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

(IV) Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

(V) Medical research for the relief of disease, injury, or disability;

(VI) Legal services; or

(VII) Food, shelter, or medical care for animals or adoption services, cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer staff to organizations designated as charitable institutions under this sub-subparagraph; nonprofit organizations the sole or primary purpose of which is to coordinate, network, or link other institutions designated as charitable institutions under this sub-subparagraph with those persons, animals, or organizations in need of their services; and nonprofit national, state, district, or other governing, coordinating, or administrative organizations the sole or primary purpose of which is to represent or regulate the customary activities of other institutions designated as charitable institutions under this sub-subparagraph. Notwithstanding any other requirement of this section, any blood bank that relies solely upon volunteer donations of blood and tissue, that is licensed under chapter 483, and that qualifies as tax exempt under s. 501(c)(3) of the Internal Revenue Code constitutes a charitable institution and is exempt from the tax imposed by this chapter. Sales to a health system, qualified as nonprofit pursuant to s. 501(c)(3), Internal Revenue Code of 1986, as amended, which filed an application for exemption with the department prior to April 5, 1997, and which application is subsequently

approved, shall be exempt as to any unpaid taxes on purchases made from January 1, 1994, to June 1, 1997.

c. "Scientific organizations" means scientific organizations which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality or the purpose of which is to protect wildlife and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc., or nonprofit private schools which conduct regular classes and courses of study accepted for continuing education credit by a Board of the Division of Medical Quality Assurance of the Department of Health Business and Professional Regulation or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association. Nonprofit libraries, art galleries, performing arts centers that provide educational programs to school children, which programs involve performances or other educational activities at the performing arts center and serve a minimum of 50,000 school children a year, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise funds for schools teaching grades kindergarten through high school, colleges, and universities. The term "educational institutions" includes any nonprofit newspaper of free or paid circulation primarily on university or college campuses which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code, and any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institutions" also includes state, district, or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members. The term "educational institutions" also includes a nonprofit educational cable consortium which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose primary purpose is the delivery of educational and instructional cable television programming and whose members are composed exclusively of educational organizations which hold a valid consumer certificate of exemption and which are either an educational institution as defined in this subparagraph, or qualified as a nonprofit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., Jewish



War Veterans of the U.S.A., and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or (19) of the Internal Revenue Code.

Section 15. Subsections (1), (2), and (4) of section 215.37, Florida Statutes, are amended to read:

215.37 Department of Business and Professional Regulation and the boards to be financed from fees collected; moneys deposited in trust fund; service charge imposed and deposited into the General Revenue Fund; appropriation.—

(1) All fees, licenses, and other charges assessed to practitioners of professions, as defined in part I of chapter 455, by the Department of Business and Professional Regulation or a board within the department shall be collected by the department and shall be deposited in the State Treasury into the Professional Regulation Trust Fund to the credit of the department.

(2) The regulation by the department of professions, as defined in part I of chapter 455, shall be financed solely from revenue collected by it from fees and other charges and deposited in the Professional Regulation Trust Fund, and all such revenue is hereby appropriated to the department. However, it is legislative intent that each profession shall operate within its anticipated fees.

(4) The department shall submit a balanced legislative budget for its regulation of professions, as defined in part I of chapter 455, by division and operating budgets as required of all governmental subdivisions in chapters 215 and 216, to be based upon anticipated revenues. Prior to development of the department's budget request to the Legislature, the department shall request that each board submit its proposed budget for the operation of the board, the board's office, and other activities or expanded programs of the board for possible inclusion in the department's budget request. Prior to submission of the department's budget request to the Legislature, each board, at a regularly scheduled board meeting, shall review the proposed request related to its regulation of a profession, as defined in part I of chapter 455, and either approve the proposed request or submit to the secretary written exceptions to the department's proposed budget. Any board making such exceptions must specify its objections, the reasons for such exceptions, and proposed alternatives to the department's request. The secretary shall consider all exceptions. When a majority of boards agree on an exception, the secretary shall make adjustments to the department's budget request related to its regulation of professions, as defined in part I of chapter 455, to reflect the majority position. If appropriate, the secretary shall file an exception on behalf of the department. The secretary shall submit to the Legislature the department's amended budget request along with any unresolved exceptions.

Section 16. Subsection (3) of section 240.215, Florida Statutes, is amended to read:

240.215 Payment of costs of civil action against employees or members of the Board of Regents.—

(3) All faculty physicians employed by the Board of Regents who are subject to the requirements of s. ~~455.564~~ ~~455.2141~~ shall complete their risk management continuing education on issues specific to academic medicine. Such continuing education shall include instruction for the supervision of resident physicians as required by the Accreditation Council for Graduate Medical Education. The boards described in s. ~~455.564~~ ~~455.2141~~ shall adopt rules to implement the provisions of this subsection.

Section 17. Subsections (1) and (2) and paragraphs (a) and (c) of subsection (3) of section 310.102, Florida Statutes, are amended to read:

310.102 Treatment programs for impaired pilots and deputy pilots.—

(1) The department shall, by rule, designate approved treatment programs for pilots and deputy pilots 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 under s. 455.704.

(2) The department shall retain one or more impaired practitioner consultants as recommended by the committee. A consultant shall be a licensee under the jurisdiction of the Division of Medical Quality Assurance within the Department of Health, and at least one consultant must be a practitioner licensed under chapter 458, chapter 459, or chapter 464. The consultant shall assist the probable cause panel and department in carrying out the responsibilities of this section. This shall include working with department investigators to determine whether a pilot or deputy pilot is, in fact, impaired.

(3)(a) Whenever the department receives a written or oral legally sufficient complaint alleging that a pilot or deputy pilot licensed or certificated by the department is impaired as a result of the misuse or abuse of alcohol or drugs, or both, or due to a mental or physical condition which could affect the pilot's or deputy pilot's ability to practice with skill and safety, and no complaint against the pilot or deputy pilot other than impairment exists, the reporting of such information shall not constitute a complaint within the meaning of s. ~~455.225~~ ~~455.255~~ if the probable cause panel finds:

1. The pilot or deputy pilot has acknowledged the impairment problem.
2. The pilot or deputy pilot has voluntarily enrolled in an appropriate, approved treatment program.
3. The pilot or deputy pilot has voluntarily withdrawn from piloting or limited the scope of piloting as determined by the panel, in each case, until such time as the panel is satisfied the pilot or deputy pilot has successfully completed an approved treatment program.
4. The pilot or deputy pilot has executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the pilot or deputy pilot, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall make no copies or reports of records that do not regard the issue of the pilot's or

deputy pilot's impairment and his or her participation in a treatment program.

(c) Inquiries related to impairment treatment programs designed to provide information to the pilot or deputy pilot and others and which do not indicate that the pilot or deputy pilot presents a danger to the public shall not constitute a complaint within the meaning of s. ~~455.225~~ 455.255 and shall be exempt from the provisions of this subsection.

Section 18. Subsections (2) and (3) of section 337.162, Florida Statutes, are amended to read:

337.162 Professional services.—Professional services provided to the department that fall below acceptable professional standards may result in transportation project delays, overruns, and reduced facility life. To minimize these effects and ensure that quality services are received, the Legislature hereby declares that licensed professionals shall be held accountable for the quality of the services they provide to the department.

(2) Any person who is employed by the department and who is licensed by the Department of Business and Professional Regulation and who, through the course of his or her employment, has knowledge or reason to believe that any person has violated the provisions of state professional licensing laws or rules shall submit a complaint about the violations to the Department of Business and Professional Regulation. Failure to submit a complaint about the violations may be grounds for disciplinary action pursuant to part I of chapter 455 and the state licensing law applicable to that licensee. The complaint submitted to the Department of Business and Professional Regulation and maintained by the department is confidential and exempt from s. 119.07(1).

(3) Any complaints submitted to the Department of Business and Professional Regulation pursuant to subsections (1) and (2) are confidential and exempt from s. 119.07(1) pursuant to part I of chapter 455 and applicable state law.

Section 19. Section 381.0039, Florida Statutes, is amended to read:

381.0039 Oversight of acquired immune deficiency syndrome education programs.—The Department of Education, the Department of Health, and the Department of Business and Professional Regulation are directed to establish an interagency agreement to oversee the quality and cost efficiency of acquired immune deficiency syndrome education programs being administered in the state pursuant to chapters 381, 455, 943, and 945 and part II of chapter 455. The interagency agreement shall also include development, where appropriate, of methods for coordinating educational programs for various professional groups.

Section 20. Subsection (3) of section 383.32, Florida Statutes, is amended to read:

383.32 Clinical records.—

(3) Clinical records shall be kept confidential in accordance with s. ~~455.667~~ ~~455.241~~ and exempt from the provisions of s. 119.07(1). A client's clinical records shall be open to inspection only under the following conditions:

- (a) A consent to release information has been signed by the client; or
- (b) The review is made by the department for a licensure survey or complaint investigation.

Section 21. Subsections (1) and (4) of section 395.0193, Florida Statutes, are amended to read:

395.0193 Licensed facilities; peer review; disciplinary powers; agency or partnership with physicians.—

(1) It is the intent of the Legislature that good faith participants in the process of investigating and disciplining physicians pursuant to the state-mandated peer review process shall, in addition to receiving immunity from retaliatory tort suits pursuant to s. ~~455.621(12)~~ ~~s. 455.225(12)~~, be protected from federal antitrust suits filed under the Sherman Anti-Trust Act, 15 U.S.C.A. ss. 1 et seq. Such intent is within the public policy of the state to secure the provision of quality medical services to the public.

(4) All final disciplinary actions taken under subsection (3) shall be reported within 10 working days to the Division of Health Quality Assurance of the agency in writing and shall specify the disciplinary action taken and the specific grounds therefor. The division shall review each report and determine whether it potentially involved conduct by the licensee that is subject to disciplinary action, in which case s. ~~455.621~~ ~~455.225~~ shall apply. The report shall not be subject to inspection under s. 119.07(1) even if the division's investigation results in a finding of probable cause.

Section 22. Paragraph (b) of subsection (5) and subsections (6) and (11) of section 395.0197, Florida Statutes, are amended to read:

395.0197 Internal risk management program.—

(5)

(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 shall be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case the provisions of s. ~~455.621~~ ~~455.225~~ shall apply.

(6) If an adverse or untoward incident, whether occurring in the licensed facility or arising from health care prior to admission in the licensed facility, results in:

- (a) The death of a patient;

- (b) Brain or spinal damage to a patient;
- (c) The performance of a surgical procedure on the wrong patient; or
- (d) A surgical procedure unrelated to the patient's diagnosis or medical needs being performed on any patient, including the surgical repair of injuries or damage resulting from the planned surgical procedure, wrong site or wrong procedure surgeries, and procedures to remove foreign objects remaining from surgical procedures,

the licensed facility shall report this incident to the agency within 15 calendar days after its occurrence. The agency may require an additional, final report. These reports shall not be available to the public pursuant to s. 119.07(1) or any other law providing access to public records, nor be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the health care professional who is subject to disciplinary action, in which case the provisions of s. 455.621 ~~455.225~~ shall apply.

(11) The agency shall have access to all licensed facility records necessary to carry out the provisions of this section. The records obtained are not available to the public under s. 119.07(1), nor shall they be discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor shall records obtained pursuant to s. 455.611 ~~455.223~~ be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause, except that, with respect to medical review committee records, s. 766.101 controls.

Section 23. Paragraph (e) of subsection (4) of section 395.3025, Florida Statutes, is amended to read:

395.3025 Patient and personnel records; copies; examination.—

(4) Patient records are confidential and must not be disclosed without the consent of the person to whom they pertain, but appropriate disclosure may be made without such consent to:

(e) The agency upon subpoena issued pursuant to s. 455.611 ~~455.223~~, but the records obtained thereby must be used solely for the purpose of the

agency and the appropriate professional board in its investigation, prosecution, and appeal of disciplinary proceedings. If the agency requests copies of the records, the facility shall charge no more than its actual copying costs, including reasonable staff time. The records must be sealed and must not be available to the public pursuant to s. 119.07(1) or any other statute providing access to records, nor may they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency must make available, upon written request by a practitioner against whom probable cause has been found, any such records that form the basis of the determination of probable cause.

Section 24. Subsections (1) and (8) of section 400.211, Florida Statutes, are amended to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(1) A person must be certified pursuant to this section, except a registered nurse or practical nurse licensed in accordance with the provisions of chapter 464 or an applicant for such licensure who is permitted to practice nursing in accordance with rules promulgated by the Board of Nursing pursuant to chapter 464, to serve as a nursing assistant in any nursing home. The Department of ~~Health Business and Professional Regulation~~ shall issue a certificate to any person who:

(a) Has successfully completed a nursing assistant program in a state-approved school and has achieved a minimum score of 75 percent on the written portion of the Florida Nursing Assistant Certification Test approved by the Department of ~~Health Business and Professional Regulation~~ and administered by state-approved test site personnel;

(b) Has achieved a minimum score of 75 percent on the written and performance portions of the Florida Nursing Assistant Certification Test approved by the Department of ~~Health Business and Professional Regulation~~ and administered by state-approved test site personnel; or

(c) Is currently certified in another state, is on that state's registry, has no findings of abuse, and has achieved a minimum score of 75 percent on the written portion of the Florida Nursing Assistant Certification Test approved by the Department of ~~Health Business and Professional Regulation~~ and administered by state-approved test site personnel.

An oral examination shall be administered upon request.

(8) The Department of ~~Health Business and Professional Regulation~~ may adopt such rules as are necessary to carry out this section.

Section 25. Section 400.491, Florida Statutes, is amended to read:

400.491 Clinical records.—The home health agency must maintain for each patient a clinical record that includes the services the home health

agency provides directly and those provided through arrangement with another health care provider, except for those services provided by persons referred under s. 400.509. Such records must contain pertinent past and current medical, nursing, social and other therapeutic information, the plan of treatment, and other such information as is necessary for the safe and adequate care of the patient. When home health services are terminated, the record must show the date and reason for termination. Such records are considered patient records under s. 455.667 ~~400.241~~, and must be maintained by the home health agency for 5 years following termination of services. If a patient transfers to another home health agency, a copy of his or her record must be provided to the other home health agency upon request.

Section 26. Subsection (1) of section 400.518, Florida Statutes, is amended to read:

400.518 Prohibited referrals to home health agencies.—

(1) A physician licensed under chapter 458 or chapter 459 must comply with s. 455.654 ~~455.236~~.

Section 27. Subsection (9) of section 408.061, Florida Statutes, is amended to read:

408.061 Data collection; uniform systems of financial reporting; information relating to physician charges; confidentiality of patient records; immunity.—

(9) The identity of any health care provider, health care facility, or health insurer who submits any data which is proprietary business information to the agency pursuant to the provisions of this section shall remain confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. As used in this section, “proprietary business information” shall include, but not be limited to, information relating to specific provider contract reimbursement information; information relating to security measures, systems, or procedures; and information concerning bids or other contractual data, the disclosure of which would impair efforts to contract for goods or services on favorable terms or would injure the affected entity’s ability to compete in the marketplace. Notwithstanding the provisions of this subsection, any information obtained or generated pursuant to the provisions of s. 407.61, either by the Health Care Cost Containment Board or by the Agency for Health Care Administration upon transfer to that agency of the duties and functions of the Health Care Cost Containment Board, is not confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such proprietary business information may be used in published analyses and reports or otherwise made available for public disclosure in such manner as to preserve the confidentiality of the identity of the provider. This exemption shall not limit the use of any information used in conjunction with investigation or enforcement purposes under the provisions of s. 455.621 ~~455.225~~.

Section 28. Paragraph (b) of subsection (5) of section 408.704, Florida Statutes, is amended to read:

408.704 Agency duties and responsibilities related to community health purchasing alliances.—The agency shall assist in developing a statewide system of community health purchasing alliances. To this end, the agency is responsible for:

(5) Establishing a data system for accountable health partnerships.

(b) The advisory data committee shall issue a report and recommendations on each of the following subjects as each is completed. A final report covering all subjects must be included in the final Florida Health Plan to be submitted to the Legislature on December 31, 1993. The report shall include recommendations regarding:

1. Types of data to be collected. Careful consideration shall be given to other data collection projects and standards for electronic data interchanges already in process in this state and nationally, to evaluating and recommending the feasibility and cost-effectiveness of various data collection activities, and to ensuring that data reporting is necessary to support the evaluation of providers with respect to cost containment, access, quality, control of expensive technologies, and customer satisfaction analysis. Data elements to be collected from providers include prices, utilization, patient outcomes, quality, and patient satisfaction. The completion of this task is the first priority of the advisory data committee. The agency shall begin implementing these data collection activities immediately upon receipt of the recommendations, but no later than January 1, 1994. The data shall be submitted by hospitals, other licensed health care facilities, pharmacists, and group practices as defined in s. ~~455.654(3)(f)~~ 455.236(3)(g).

2. A standard data set, a standard cost-effective format for collecting the data, and a standard methodology for reporting the data to the agency, or its designee, and to the alliances. The reporting mechanisms must be designed to minimize the administrative burden and cost to health care providers and carriers. A methodology shall be developed for aggregating data in a standardized format for making comparisons between accountable health partnerships which takes advantage of national models and activities.

3. Methods by which the agency should collect, process, analyze, and distribute the data.

4. Standards for data interpretation. The advisory data committee shall actively solicit broad input from the provider community, carriers, the business community, and the general public.

5. Structuring the data collection process to:

a. Incorporate safeguards to ensure that the health care services utilization data collected is reviewed by experienced, practicing physicians licensed to practice medicine in this state;

b. Require that carrier customer satisfaction data conclusions are validated by the agency;

c. Protect the confidentiality of medical information to protect the patient's identity and to protect the privacy of individual physicians and pa-



tients. Proprietary data submitted by insurers, providers, and purchasers are confidential pursuant to s. 408.061; and

d. Afford all interested professional medical and hospital associations and carriers a minimum of 60 days to review and comment before data is released to the public.

6. Developing a data collection implementation schedule, based on the data collection capabilities of carriers and providers.

Section 29. Subsections (1) and (2) of section 409.2598, Florida Statutes, are amended to read:

409.2598 Suspension or denial of new or renewal licenses; registrations; certifications.—

(1) The Title IV-D agency may petition the court that entered the support order or the court that is enforcing the support order to deny or suspend the license, registration, or certificate issued under chapter 231, chapter 370, chapter 372, chapter 409, part II of chapter 455, or chapter 559 or s. 327.031 of any obligor with a delinquent child support obligation or who fails, after receiving appropriate notice, to comply with subpoenas, orders to appear, orders to show cause, or similar orders relating to paternity or child support proceedings. However, a petition may not be filed until the Title IV-D agency has exhausted all other available remedies. The purpose of this section is to promote the public policy of the state as established in s. 409.2551.

(2) The Title IV-D agency is authorized to screen all applicants for new or renewal licenses, registrations, or certificates and current licenses, registrations, or certificates and current licensees, registration holders, and certificate holders of all licenses, registrations, and certificates issued under chapter 231, chapter 370, chapter 372, chapter 409, part II of chapter 455, or chapter 559 or s. 327.031 to ensure compliance with any child support obligation and any subpoenas, orders to appear, orders to show cause, or similar orders relating to paternity or child support proceedings. If the Title IV-D agency determines that an applicant, licensee, registration holder, or certificateholder is an obligor who is delinquent on a support obligation or who is not in compliance with a subpoena, order to appear, order to show cause, or similar order relating to paternity or child support proceedings, the Title IV-D agency shall certify the delinquency pursuant to s. 61.14.

Section 30. Paragraph (g) of subsection (1) of section 415.1055, Florida Statutes, is amended to read:

415.1055 Notification to administrative entities, subjects, and reporters; notification to law enforcement and state attorneys.—

(1) NOTIFICATION TO ADMINISTRATIVE ENTITIES.—

(g) If at any time during a protective investigation the department has reasonable cause to believe that professional licensure violations have occurred, the department shall notify the Division of Medical Quality Assurance within the Department of Health Agency for Health Care Administration. This notification must be in writing.

Section 31. Subsection (3) of section 415.5055, Florida Statutes, is amended to read:

415.5055 Child protection teams; services; eligible cases.—The department shall develop, maintain, and coordinate the services of one or more multidisciplinary child protection teams in each of the service districts of the department. Such teams may be composed of representatives of appropriate health, mental health, social service, legal service, and law enforcement agencies. The Legislature finds that optimal coordination of child protection teams and sexual abuse treatment programs requires collaboration between the Department of Health and the Department of Children and Family Services. The two departments shall maintain an interagency agreement that establishes protocols for oversight and operations of child protection teams and sexual abuse treatment programs. The Secretary of Health and the Director of the Division of Children's Medical Services, in consultation with the Secretary of Children and Family Services, shall maintain the responsibility for the screening, employment, and, if necessary, the termination of child protection team medical directors, at headquarters and in the 15 districts. Child protection team medical directors shall be responsible for oversight of the teams in the districts.

(3) All records and reports of the child protection team are confidential and exempt from the provisions of ss. 119.07(1) and 455.667 ~~455.241~~, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child or by order of the court.

In all instances in which a child protection team is providing certain services to abused or neglected children, other offices and units of the department shall avoid duplicating the provision of those services.

Section 32. Subsection (5) of section 415.51, Florida Statutes, is amended to read:

415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(5) All records and reports of the child protection team are confidential and exempt from the provisions of ss. 119.07(1) and 455.667 ~~455.241~~, and shall not be disclosed, except, upon request, to the state attorney, law enforcement, the department, and necessary professionals, in furtherance of the treatment or additional evaluative needs of the child or by order of the court.

Section 33. Paragraph (h) of subsection (3) and paragraph (c) of subsection (4) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(3) PROVIDER ELIGIBILITY; AUTHORIZATION.—

(h) The provisions of s. ~~455.654~~ 455.236 are applicable to referrals among health care providers, as defined in subsection (1), treating injured workers.

(4) NOTICE OF TREATMENT TO CARRIER; FILING WITH DIVISION.—

(c) It is the policy for the administration of the workers' compensation system that there be reasonable access to medical information by all parties to facilitate the self-executing features of the law. Notwithstanding the limitations in s. ~~455.667~~ 455.241 and subject to the limitations in s. 381.004, upon the request of the employer, the carrier, or the attorney for either of them, the medical records of an injured employee must be furnished to those persons and the medical condition of the injured employee must be discussed with those persons, if the records and the discussions are restricted to conditions relating to the workplace injury. Any such discussions may be held before or after the filing of a claim without the knowledge, consent, or presence of any other party or his or her agent or representative. A health care provider who willfully refuses to provide medical records or to discuss the medical condition of the injured employee, after a reasonable request is made for such information pursuant to this subsection, shall be subject by the division to one or more of the penalties set forth in paragraph (8)(b).

Section 34. Paragraph (b) of subsection (1) and subsections (2) and (3) of section 455.565, Florida Statutes, are amended to read:

455.565 Designated healthcare professionals; information required for licensure.—

(1) Each person who applies for initial licensure as a physician under chapter 458, chapter 459, chapter 460, or chapter 461 must, at the time of application, and each physician who applies for license renewal under chapter 458, chapter 459, chapter 460, or chapter 461 must, in conjunction with the renewal of such license and under procedures adopted by the Department of Health, and in addition to any other information that may be required from the applicant, furnish the following information to the Department of Health:

(b) In addition to the information required under paragraph (a), each applicant who seeks licensure under chapter 458, chapter 459, or chapter 461, and who has practiced previously in this state or in another jurisdiction or a foreign country must provide the information required of licensees under those chapters pursuant to s. ~~455.697~~ 455.247. An applicant for licensure under chapter 460 who has practiced previously in this state or in another jurisdiction or a foreign country must provide the same information as is required of licensees under chapter 458, pursuant to s. ~~455.697~~ 455.247.

(2) Before the issuance of the licensure renewal notice required by s. ~~455.714~~ 455.273, the Department of Health shall send a notice to each person licensed under chapter 458, chapter 459, chapter 460, or chapter 461, at the licensee's last known address of record with the department, regarding the requirements for information to be submitted by those practitioners pursuant to this section in conjunction with the renewal of such license and under procedures adopted by the department.

(3) Each person who has submitted information pursuant to subsection (1) must update that information in writing by notifying the Department of Health within 45 days after the occurrence of an event or the attainment of a status that is required to be reported by subsection (1). Failure to comply with the requirements of this subsection to update and submit information constitutes a ground for disciplinary action under each respective licensing chapter and s. 455.624(1)(k) ~~s. 455.227(1)(k)~~. For failure to comply with the requirements of this subsection to update and submit information, the department or board, as appropriate, may:

(a) Refuse to issue a license to any person applying for initial licensure who fails to submit and update the required information.

(b) Issue a citation to any licensee who fails to submit and update the required information and may fine the licensee up to \$50 for each day that the licensee is not in compliance with this subsection. The citation must clearly state that the licensee may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621 ~~455.225~~. If the licensee disputes the matter in the citation, the procedures set forth in s. 455.621 ~~455.225~~ must be followed. However, if the licensee does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the licensee's last known address.

Section 35. Subsection (4) of section 455.5651, Florida Statutes, is amended to read:

455.5651 Practitioner profile; creation.—

(4) The Department of Health shall include, with respect to a practitioner licensed under chapter 458 or chapter 459, a statement of how the practitioner has elected to comply with the financial responsibility requirements of s. 458.320 or s. 459.0085. The department shall include, with respect to practitioners licensed under chapter 458, chapter 459, or chapter 461, information relating to liability actions which has been reported under s. 455.697 ~~455.247~~ or s. 627.912 within the previous 10 years for any paid claim that exceeds \$5,000. Such claims information shall be reported in the context of comparing an individual practitioner's claims to the experience of other physicians within the same specialty to the extent such information is available to the Department of Health. If information relating to a liability action is included in a practitioner's practitioner profile, the profile must also include the following statement: "Settlement of a claim may occur for a variety of reasons that do not necessarily reflect negatively on the professional competence or conduct of the physician. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred."

Section 36. Section 455.641, Florida Statutes, is amended to read:

455.641 Unlicensed activities; fees; disposition.—In order to protect the public and to ensure a consumer-oriented department, it is the intent of the

Legislature that vigorous enforcement of regulation for all professional activities is a state priority. All enforcement costs should be covered by professions regulated by the department. Therefore, the department shall impose, upon initial licensure and each renewal thereof, a special fee of \$5 per licensee. Such fee shall be in addition to all other fees collected from each licensee and shall fund efforts to combat unlicensed activity. The board with concurrence of the department, or the department when there is no board, may earmark \$5 of the current licensure fee for this purpose, if such board, or profession regulated by the department, is not in a deficit and has a reasonable cash balance. The department shall make direct charges to this fund by profession and shall not allocate indirect overhead. The department shall seek board advice regarding enforcement methods and strategies prior to expenditure of funds. The department shall directly credit, by profession, revenues received from the department's efforts to enforce licensure provisions. The department shall include all financial and statistical data resulting from unlicensed activity enforcement as a separate category in the quarterly management report provided for in s. ~~455.587~~ 455.219. The department shall not charge the account of any profession for the costs incurred on behalf of any other profession. For an unlicensed activity account, a balance which remains at the end of a renewal cycle may, with concurrence of the applicable board and the department, be transferred to the operating fund account of that profession.

Section 37. Subsection (2) of section 455.651, Florida Statutes, is amended to read:

455.651 Disclosure of confidential information.—

(2) Any person who willfully violates any provision of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and may be subject to discipline pursuant to s. ~~455.624~~ 455.227, and, if applicable, shall be removed from office, employment, or the contractual relationship.

Section 38. Subsection (1) of section 455.698, Florida Statutes, is amended to read:

455.698 Reports of professional liability actions; bankruptcies; Department of Health's responsibility to provide.—

(1) The report of a claim or action for damages for personal injury which is required to be provided to the Department of Health under s. ~~455.697~~ 455.247 or s. 627.912 is public information except for the name of the claimant or injured person, which remains confidential as provided in ss. ~~455.697(2)(d)~~ 455.247(2)(d) and 627.912(2)(e). The Department of Health shall, upon request, make such report available to any person.

Section 39. Subsection (2) of section 455.717, Florida Statutes, is amended to read:

455.717 Address of record.—

(2) Notwithstanding any other law, service by regular mail to a licensee's last known address of record with the department constitutes adequate and

sufficient notice to the licensee for any official communication to the licensee by the board or the department except when other service is required under s. ~~455.707~~ 455.261.

Section 40. Subsection (2) of section 457.103, Florida Statutes, is amended to read:

457.103 Board of Acupuncture; membership; appointment and terms.—

(2) All provisions of part II of chapter 455 relating to the board shall apply.

Section 41. Subsection (6) of section 458.307, Florida Statutes, is amended to read:

458.307 Board of Medicine.—

(6) All provisions of part II of chapter 455 relating to activities of the board shall apply.

Section 42. Paragraph (a) of subsection (9) of section 458.311, Florida Statutes, is amended to read:

458.311 Licensure by examination; requirements; fees.—

(9)(a) Notwithstanding any of the provisions of this section, an applicant who, at the time of his or her medical education, was a citizen of the country of Nicaragua and, at the time of application for licensure under this subsection, is either a citizen of the country of Nicaragua or a citizen of the United States may make initial application to the department on or before July 1, 1992, for licensure subject to this subsection and may reapply pursuant to board rule. Upon receipt of such application, the department shall issue a 2-year restricted license to any applicant therefor upon the applicant's successful completion of the licensure examination as described in paragraph (1)(a) and who the board certifies has met the following requirements:

1. Is a graduate of a World Health Organization recognized foreign medical institution located in a country in the Western Hemisphere.

2. Received a medical education which has been determined by the board to be substantially similar, at the time of the applicant's graduation, to approved United States medical programs.

3. Practiced medicine in the country of Nicaragua for a period of 1 year prior to residing in the United States and has lawful employment authority in the United States.

4. Has had his or her medical education verified by the Florida Board of Medicine.

5. Successfully completed the Educational Commission for Foreign Medical Graduates Examination or Foreign Medical Graduate Examination in the Medical Sciences or successfully completed a course developed for the University of Miami for physician training equivalent to the course developed for such purposes pursuant to chapter 74-105, Laws of Florida. No

person shall be permitted to enroll in the physician training course until he or she has been certified by the board as having met the requirements of this paragraph or conditionally certified by the board as having substantially complied with the requirements of this paragraph. Any person conditionally certified by the board shall be required to establish, to the board's satisfaction, full compliance with all the requirements of this paragraph prior to completion of the physician training course and shall not be permitted to sit for the licensure examination unless the board certifies that all of the requirements of this paragraph have been met.

However, applicants eligible for licensure under s. ~~455.581~~ 455.218 or subsection (9), 1988 Supplement to the Florida Statutes 1987, as amended by s. 18, chapter 89-162, Laws of Florida, and ss. 5 and 42, chapter 89-374, Laws of Florida, and renumbered as subsection (8) by s. 5, chapter 89-374, Laws of Florida, shall not be eligible to apply under this subsection.

Section 43. Paragraph (c) of subsection (1) and paragraph (a) of subsection (3) of section 458.3115, Florida Statutes, are amended to read:

458.3115 Restricted license; certain foreign-licensed physicians; United States Medical Licensing Examination (USMLE) or agency-developed examination; restrictions on practice; full licensure.—

(1)

(c) A person shall be eligible to take such examination for restricted licensure if the person:

1. Has taken, upon approval by the board, and completed, in November 1990 or November 1992, one of the special preparatory medical update courses authorized by the board and the University of Miami Medical School and subsequently passed the final course examination; upon approval by the board to take the course completed in 1990 or in 1992, has a certificate of successful completion of that course from the University of Miami or the Stanley H. Kaplan course; or can document to the department that he or she was one of the persons who took and successfully completed the Stanley H. Kaplan course that was approved by the Board of Medicine and supervised by the University of Miami. At a minimum, the documentation must include class attendance records and the test score on the final course examination;

2. Applies to the agency and submits an application fee that is nonrefundable and equivalent to the fee required for full licensure;

3. Documents no less than 2 years of the active practice of medicine in another jurisdiction;

4. Submits an examination fee that is nonrefundable and equivalent to the fee required for full licensure plus the actual per-applicant cost to the agency to provide either examination described in this section;

5. Has not committed any act or offense in this or any other jurisdiction that would constitute a substantial basis for disciplining a physician under this chapter or part II of chapter 455; and

6. Is not under discipline, investigation, or prosecution in this or any other jurisdiction for an act that would constitute a violation of this chapter or part II of chapter 455 and that substantially threatened or threatens the public health, safety, or welfare.

(3)(a) A restricted license issued by the agency under this section is valid for 2 years unless sooner revoked or suspended, and a restricted licensee is subject to the requirements of this chapter, part II of chapter 455, and any other provision of law not in conflict with this section. Upon expiration of such restricted license, a restricted licensee shall become a full licensee if the restricted licensee:

1. Is not under discipline, investigation, or prosecution for a violation which poses a substantial threat to the public health, safety, or welfare; and
2. Pays all renewal fees required of a full licensee.

Section 44. Subsection (1) of section 458.3124, Florida Statutes, is amended to read:

458.3124 Restricted license; certain experienced foreign-trained physicians.—

(1) A person who was trained in a medical school that is listed in the World Directory of Medical Schools published by the World Health Organization and is located in a country other than the United States, Canada, or Puerto Rico may apply to take Step III of the United States Medical Licensing Examination, if the person:

- (a) Legally practiced medicine for at least 5 years in the country in which the school is located;
- (b) Has passed Steps I and II of the United States Medical Licensing Examination;
- (c) Is certified by the Educational Commission for Foreign Medical Graduates as qualified for a restricted license to practice medicine;
- (d) Is not subject to discipline, investigation, or prosecution in any jurisdiction for acts that threaten the public health, safety, or welfare or violate part II of chapter 455 or this chapter; and
- (e) Has been a resident of this state since July 1, 1996.

Section 45. Subsection (1) of section 458.319, Florida Statutes, is amended to read:

458.319 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application, evidence that the applicant has actively practiced medicine or has been on the active teaching faculty of an accredited medical school for at least 2 years of the immediately preceding 4 years, and a fee not to exceed \$500; provided, however, that if the licensee is either a resident physician,



assistant resident physician, fellow, house physician, or intern in an approved postgraduate training program, as defined by the board by rule, the fee shall not exceed \$100 per annum. If the licensee has not actively practiced medicine for at least 2 years of the immediately preceding 4 years, the board shall require that the licensee successfully complete a board-approved clinical competency examination prior to renewal of the license. "Actively practiced medicine" means that practice of medicine by physicians, including those employed by any governmental entity in community or public health, as defined by this chapter, including physicians practicing administrative medicine. An applicant for a renewed license must also submit the information required under s. 455.565 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under s. 455.565 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to \$50 for each day that the applicant is not in compliance with the requirements of s. 455.565. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621 ~~455.225~~. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.621 ~~455.225~~ must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.

Section 46. Paragraphs (e) and (v) of subsection (1) and subsection (6) of section 458.331, Florida Statutes, are amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

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

(e) Failing to report to the department any person who the licensee knows is in violation of this chapter or of the rules of the department or the board. A treatment provider approved pursuant to s. 455.707 ~~455.261~~ shall provide the department or consultant with information in accordance with the requirements of s. 455.707(3) ~~455.261(3)~~, (4), (5), and (6).

(v) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.

(6) Upon the department's receipt from an insurer or self-insurer of a report of a closed claim against a physician pursuant to s. 627.912 or from a health care practitioner of a report pursuant to s. ~~455.697~~ 455.247, or upon the receipt from a claimant of a presuit notice against a physician pursuant to s. 766.106, the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. ~~455.621~~ 455.225 shall apply. However, if it is reported that a physician has had three or more claims with indemnities exceeding \$25,000 each within the previous 5-year period, the department shall investigate the occurrences upon which the claims were based and determine if action by the department against the physician is warranted.

Section 47. Subsection (1) of section 458.337, Florida Statutes, is amended to read:

458.337 Reports of disciplinary actions by medical organizations and hospitals.—

(1)(a) The department shall be notified when any physician:

1. Has been removed or suspended or has had any other disciplinary action taken by his or her peers within any professional medical association, society, body, or professional standards review organization established pursuant to Pub. L. No. 92-603, s. 249F, or similarly constituted professional organization, whether or not such association, society, body, or organization is local, regional, state, national, or international in scope; or

2. Has been disciplined by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home or the medical staff of such a hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home, including allowing the physician to resign, for any act that constitutes a violation of this chapter. If a physician resigns or withdraws from privileges when such facility notifies the physician that it is conducting an investigation or inquiry regarding an act which is potentially a violation of this chapter, the facility shall complete its investigation or inquiry and shall notify the department of the physician's resignation or withdrawal from privileges if the completed investigation or inquiry results in a finding that such act constitutes a violation of this chapter for which the facility would have disciplined the physician or allowed the physician to resign or withdraw from privileges.

(b) Within 20 days of receipt of such notification, the department shall notify all hospitals and health maintenance organizations in the state of any disciplinary action which is severe enough for expulsion or resignation reported pursuant to subparagraph (a)2., identifying the disciplined physician, the action taken, and the reason for such action.

Section 48. Section 458.343, Florida Statutes, is amended to read:

458.343 Subpoena of certain records.—Notwithstanding the provisions of s. ~~455.667~~ ~~455.241~~, the department may issue subpoenas duces tecum requiring the names and addresses of some or all of the patients of a physician against whom a complaint has been filed pursuant to s. ~~455.621~~ ~~455.225~~.

Section 49. Paragraph (g) of subsection (7) and subsections (10) and (16) of section 458.347, Florida Statutes, are amended to read:

458.347 Physician assistants.—

(7) PHYSICIAN ASSISTANT CERTIFICATION.—

(g) The Board of Medicine may impose any of the penalties specified in ss. ~~455.624~~ ~~455.227~~ and 458.331(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or part II of chapter 455.

(10) INACTIVE AND DELINQUENT STATUS.—A certificate on inactive or delinquent status may be reactivated only as provided in s. ~~455.711~~ ~~455.271~~.

(16) LEGAL SERVICES.—The Department of Legal Affairs shall provide legal services to the council as authorized in s. ~~455.594(1)~~ ~~455.221(1)~~.

Section 50. Subsection (4) of section 459.004, Florida Statutes, is amended to read:

459.004 Board of Osteopathic Medicine.—

(4) All provisions of part II of chapter 455 relating to activities of the board shall apply.

Section 51. Subsection (1) of section 459.008, Florida Statutes, is amended to read:

459.008 Renewal of licenses and certificates.—

(1) The department shall renew a license or certificate upon receipt of the renewal application and fee. An applicant for a renewed license must also submit the information required under s. 455.565 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and

under procedures specified by the department, along with payment in an amount equal to the costs incurred by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under s. 455.565 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to \$50 for each day that the applicant is not in compliance with the requirements of s. 455.565. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. ~~455.621~~ ~~455.225~~. If the applicant disputes the matter in the citation, the procedures set forth in s. ~~455.621~~ ~~455.225~~ must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.

Section 52. Paragraphs (e) and (z) of subsection (1) and subsection (6) of section 459.015, Florida Statutes, are amended to read:

459.015 Grounds for disciplinary action by the board.—

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

(e) Failing to report to the department or the department's impaired professional consultant any person who the licensee or certificateholder knows is in violation of this chapter or of the rules of the department or the board. A treatment provider, approved pursuant to s. ~~455.707~~ ~~455.261~~, shall provide the department or consultant with information in accordance with the requirements of s. ~~455.707(3)~~ ~~455.261(3)~~, (4), (5), and (6).

(z) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform. The board may establish by rule standards of practice and standards of care for particular practice settings, including, but not limited to, education and training, equipment and supplies, medications including anesthetics, assistance of and delegation to other personnel, transfer agreements, sterilization, records, performance of complex or multiple procedures, informed consent, and policy and procedure manuals.

(6) Upon the department's receipt from an insurer or self-insurer of a report of a closed claim against an osteopathic physician pursuant to s. 627.912 or from a health care practitioner of a report pursuant to s. ~~455.697~~ ~~455.247~~, or upon the receipt from a claimant of a presuit notice against an

osteopathic physician pursuant to s. 766.106, the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. ~~455.621~~ ~~455.225~~ shall apply. However, if it is reported that an osteopathic physician has had three or more claims with indemnities exceeding \$25,000 each within the previous 5-year period, the department shall investigate the occurrences upon which the claims were based and determine if action by the department against the osteopathic physician is warranted.

Section 53. Subsection (1) of section 459.016, Florida Statutes, is amended to read:

459.016 Reports of disciplinary actions by medical organizations.—

(1) The department shall be notified when any osteopathic physician:

(a) Has been removed or suspended or has had any other disciplinary action taken by her or his peers within any professional medical association, society, body, or professional standards review organization established pursuant to Pub. L. No. 92-603, s. 249F, or similarly constituted professional organization, whether or not such association, society, body, or organization is local, regional, state, national, or international in scope; or

(b) Has been disciplined, which shall include allowing an osteopathic physician to resign, by a licensed hospital or medical staff of said hospital for any act that constitutes a violation of this chapter. If a physician resigns or withdraws from privileges when such facility notifies the physician that it is conducting an investigation or inquiry regarding an act which is potentially a violation of this chapter, the facility shall complete its investigation or inquiry and shall notify the department of the physician's resignation or withdrawal from privileges if the completed investigation or inquiry results in a finding that such act constitutes a violation of this chapter for which the facility would have disciplined the physician or allowed her or him to resign or withdraw from privileges.

Within 20 days of receipt of such notification, upon board approval, the department shall notify all hospitals and health maintenance organizations in the state of any disciplinary action which is severe enough for expulsion or resignation reported pursuant to this subsection, identifying the disciplined physician, the action taken, and the reason for such action.

Section 54. Section 459.019, Florida Statutes, is amended to read:

459.019 Subpoena of certain records.—Notwithstanding the provisions of s. ~~455.667~~ ~~455.241~~, the department may issue subpoenas duces tecum requiring the names and addresses of some or all of the patients of an osteopathic physician against whom a complaint has been filed pursuant to s. ~~455.621~~ ~~455.225~~.

Section 55. Paragraph (f) of subsection (7) and subsections (10) and (16) of section 459.022, Florida Statutes, are amended to read:

459.022 Physician assistants.—

(7) PHYSICIAN ASSISTANT CERTIFICATION.—

(f) The Board of Osteopathic Medicine may impose any of the penalties specified in ss. ~~455.624~~ 455.227 and 459.015(2) upon a physician assistant if the physician assistant or the supervising physician has been found guilty of or is being investigated for any act that constitutes a violation of this chapter or part II of chapter 455.

(10) INACTIVE AND DELINQUENT STATUS.—A certificate on inactive or delinquent status may be reactivated only as provided in s. ~~455.711~~ 455.271.

(16) LEGAL SERVICES.—The Department of Legal Affairs shall provide legal services to the council as authorized in s. ~~455.594(1)~~ 455.221(4).

Section 56. Subsection (4) of section 460.404, Florida Statutes, is amended to read:

460.404 Board of Chiropractic; membership; appointment; terms.—

(4) All provisions of part II of chapter 455 relating to the board shall apply.

Section 57. Paragraph (c) of subsection (1) of section 460.4061, Florida Statutes, is amended to read:

460.4061 Restricted license.—

(1) An applicant for licensure as a chiropractic physician may apply to the department for a restricted license without undergoing a state or national written or clinical competency examination for licensure if the applicant initially applies not later than October 31, 1994, for the restricted license and:

(c) Has never been disciplined for an offense that would be a violation under this chapter or part II of chapter 455, imposed by another jurisdiction on the applicant's license to practice as a chiropractic physician.

Section 58. Subsection (1) of section 460.407, Florida Statutes, is amended to read:

460.407 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and the fee set by the board not to exceed \$500. An applicant for a renewed license must also submit the information required under s. 455.565 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred

by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under s. 455.565 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to \$50 for each day that the applicant is not in compliance with the requirements of s. 455.565. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. 455.621 ~~455.225~~. If the applicant disputes the matter in the citation, the procedures set forth in s. 455.621 ~~455.225~~ must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a statewide criminal history check.

Section 59. Subsection (4) of section 461.004, Florida Statutes, is amended to read:

461.004 Board of Podiatric Medicine; membership; appointment; terms.—

(4) All provisions of part II of chapter 455 relating to the board shall apply. However, notwithstanding the requirement of s. 455.621(4) ~~455.225(4)~~ that the board provide by rule for the determination of probable cause by a panel composed of its members or by the department, the board may provide by rule that its probable cause panel may be composed of one current member of the board and one past member of the board, as long as the past member is a licensed podiatrist in good standing. The past board member must be appointed to the panel by the chair of the board with the approval of the secretary for a maximum of 2 years.

Section 60. Subsection (1) of section 461.007, Florida Statutes, is amended to read:

461.007 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and a fee not to exceed \$350 set by the board. An applicant for a renewed license must also submit the information required under s. 455.565 to the department on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the statewide criminal background check of the applicant. The applicant must submit a set of fingerprints to the Department of Health on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred

by the department for a national criminal background check of the applicant for the initial renewal of his or her license after January 1, 2000. If the applicant fails to submit either the information required under s. 455.565 or a set of fingerprints to the department as required by this section, the department shall issue a notice of noncompliance, and the applicant will be given 30 additional days to comply. If the applicant fails to comply within 30 days after the notice of noncompliance is issued, the department or board, as appropriate, may issue a citation to the applicant and may fine the applicant up to \$50 for each day that the applicant is not in compliance with the requirements of s. 455.565. The citation must clearly state that the applicant may choose, in lieu of accepting the citation, to follow the procedure under s. ~~455.621~~ 455.225. If the applicant disputes the matter in the citation, the procedures set forth in s. ~~455.621~~ 455.225 must be followed. However, if the applicant does not dispute the matter in the citation with the department within 30 days after the citation is served, the citation becomes a final order and constitutes discipline. Service of a citation may be made by personal service or certified mail, restricted delivery, to the subject at the applicant's last known address. If an applicant has submitted fingerprints to the department for a national criminal history check upon initial licensure and is renewing his or her license for the first time, then the applicant need only submit the information and fee required for a state-wide criminal history check.

Section 61. Paragraph (w) of subsection (1) and paragraph (a) of subsection (5) of section 461.013, Florida Statutes, are amended to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

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

(w) Violating any provision of this chapter or part II of chapter 455, any rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the board or department.

(5)(a) Upon the department's receipt from an insurer or self-insurer of a report of a closed claim against a podiatrist pursuant to s. 627.912, or upon the receipt from a claimant of a presuit notice against a podiatrist pursuant to s. 766.106, the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. ~~455.621~~ 455.225 shall apply. However, if it is reported that a podiatrist has had three or more claims with indemnities exceeding \$25,000 each within the previous 5-year period, the department shall investigate the occurrences upon which the claims were based and determine if action by the department against the podiatrist is warranted.

Section 62. Subsection (2) of section 462.01, Florida Statutes, is amended to read:



462.01 Definitions.—As used in this chapter:

(2) “Department” means the Department of ~~Health Business and Professional Regulation~~.

Section 63. Subsection (2) of section 463.002, Florida Statutes, is amended to read:

463.002 Definitions.—As used in this chapter, the term:

(2) “Department” means the Department of ~~Health Business and Professional Regulation~~.

Section 64. Subsection (4) of section 463.003, Florida Statutes, is amended to read:

463.003 Board of Optometry.—

(4) All applicable provisions of part II of chapter 455 relating to activities of regulatory boards shall apply.

Section 65. Paragraph (h) of subsection (1) of section 463.016, Florida Statutes, is amended to read:

463.016 Grounds for disciplinary action; action by the board.—

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

(h) A violation or repeated violations of provisions of this chapter, or of part II of chapter 455, and any rules promulgated pursuant thereto.

Section 66. Subsection (4) of section 464.004, Florida Statutes, is amended to read:

464.004 Board of Nursing; membership; appointment; terms.—

(4) All provisions of part II of chapter 455 relating to activities of the board shall apply.

Section 67. Subsection (4) of section 465.004, Florida Statutes, is amended to read:

465.004 Board of Pharmacy.—

(4) All provisions of part II of chapter 455 relating to activities of the board shall apply.

Section 68. Section 465.006, Florida Statutes, is amended to read:

465.006 Disposition of fees; expenditures.—All moneys received under this chapter shall be deposited and expended pursuant to the provisions of s. ~~455.587~~ 215.37. All expenditures for duties of the board authorized by this chapter shall be paid upon presentation of vouchers approved by the executive director of the board.

Section 69. Subsections (4) and (6) of section 466.004, Florida Statutes, are amended to read:

466.004 Board of Dentistry.—

(4) The board is authorized to adopt all rules necessary to carry out the provisions of this chapter and part II of chapter 455, including the establishment of a fee to defray the cost of duplicating any license certification or permit, not to exceed \$10 per duplication.

(6) All provisions of part II of chapter 455 relating to the board shall apply.

Section 70. Paragraph (b) of subsection (4) of section 466.007, Florida Statutes, is amended to read:

466.007 Examination of dental hygienists.—

(4) To be licensed as a dental hygienist in this state, an applicant must successfully complete the following:

(b) A practical or clinical examination. The practical or clinical examination shall test competency in areas to be established by rule of the board which shall include testing the ability to adequately perform a prophylaxis. On or after October 1, 1986, every applicant who is otherwise qualified shall be eligible to take the examination a total of three times, notwithstanding the number of times the applicant has previously failed. If an applicant fails the examination three times, the applicant shall no longer be eligible to take the examination unless he or she obtains additional educational requirements established by the board. The department shall require a mandatory standardization exercise pursuant to s. ~~455.574(1)(b)~~ 455.217(1)(b) for all examiners prior to each practical or clinical examination and shall retain for employment only those dentists and dental hygienists who have substantially adhered to the standard of grading established at such exercise. It is the intent of the Legislature that the examinations relate to those procedures which are actually performed by a dental hygienist in general practice.

Section 71. Subsection (1) of section 466.018, Florida Statutes, is amended to read:

466.018 Dentist of record; patient records.—

(1) Each patient shall have a dentist of record. The dentist of record shall remain primarily responsible for all dental treatment on such patient regardless of whether the treatment is rendered by the dentist or by another dentist, dental hygienist, or dental assistant rendering such treatment in conjunction with, at the direction or request of, or under the supervision of such dentist of record. The dentist of record shall be identified in the record of the patient. If treatment is rendered by a dentist other than the dentist of record or by a dental hygienist or assistant, the name or initials of such person shall be placed in the record of the patient. In any disciplinary proceeding brought pursuant to this chapter or part II of chapter 455, it shall

be presumed as a matter of law that treatment was rendered by the dentist of record unless otherwise noted on the patient record pursuant to this section. The dentist of record and any other treating dentist are subject to discipline pursuant to this chapter or part II of chapter 455 for treatment rendered the patient and performed in violation of such chapter. One of the purposes of this section is to ensure that the responsibility for each patient is assigned to one dentist in a multidentist practice of any nature and to assign primary responsibility to the dentist for treatment rendered by a dental hygienist or assistant under her or his supervision. This section shall not be construed to assign any responsibility to a dentist of record for treatment rendered pursuant to a proper referral to another dentist not in practice with the dentist of record or to prohibit a patient from voluntarily selecting a new dentist without permission of the dentist of record.

Section 72. Subsection (1) of section 466.022, Florida Statutes, is amended to read:

466.022 Peer review; records; immunity.—

(1) The Legislature finds that effective peer review of consumer complaints by professional associations of dentists is a valuable service to the public. In performing such service, any member of a peer review organization or committee shall, pursuant to s. 466.028(1)(f), report to the department the name of any licensee who he or she believes has violated this chapter. Any such peer review committee member shall be afforded the privileges and immunities of any other complainant or witness which are provided by s. ~~455.621(11)~~ 455.225(11). Furthermore, a professional organization or association of dentists which sponsors, sanctions, or otherwise operates or participates in peer review activities is hereby afforded the same privileges and immunities afforded to any member of a duly constituted medical review committee by s. 766.101(3).

Section 73. Paragraph (aa) of subsection (1) and subsections (6) and (7) of section 466.028, Florida Statutes, are amended to read:

466.028 Grounds for disciplinary action; action by the board.—

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

(aa) The violation or the repeated violation of this chapter, part II of chapter 455, or any rule promulgated pursuant to part II of chapter 455 or this chapter; the violation of a lawful order of the board or department previously entered in a disciplinary hearing; or failure to comply with a lawfully issued subpoena of the board or department.

(6) Upon the department's receipt from an insurer or self-insurer of a report of a closed claim against a dentist pursuant to s. 627.912 or upon the receipt from a claimant of a presuit notice against a dentist pursuant to s. 766.106 the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. ~~455.621~~ 455.225 shall apply. However, if it is reported that a dentist has had any indemnity paid in excess of

\$25,000 in a judgment or settlement or has had three or more claims for dental malpractice within the previous 5-year period which resulted in indemnity being paid, the department shall investigate the occurrence upon which the claims were based and determine if action by the department against the dentist is warranted.

(7) Subject to the authority and conditions established in s. ~~455.621~~ 455.225, the probable cause panel of the board may recommend that the department seek a specified penalty in cases in which probable cause has been found and the panel has directed that an administrative complaint be filed. If the department seeks a penalty other than that recommended by the probable cause panel, the department shall provide the board with a written statement which sets forth the reasons therefor. Nothing in this subsection shall preclude a probable cause panel of any other board under the jurisdiction of the department from making similar recommendations as penalties.

Section 74. Subsections (4) and (14) of section 467.003, Florida Statutes, are amended to read:

467.003 Definitions.—As used in this chapter, unless the context otherwise requires:

(4) “Department” means the Department of Health Business and Professional Regulation.

(14) “Secretary” means the Secretary of Health Business and Professional Regulation.

Section 75. Subsection (5) of section 468.1135, Florida Statutes, is amended to read:

468.1135 Board of Speech-Language Pathology and Audiology.—

(5) All provisions of part II of chapter 455 relating to activities of regulatory boards shall apply to the board.

Section 76. Subsection (10) of section 468.1145, Florida Statutes, is amended to read:

468.1145 Fees; establishment; disposition.—

(10) All moneys derived from fees and fines imposed pursuant to this part shall be deposited as required by s. ~~455.587~~ 215.37.

Section 77. Subsection (4) of section 468.1185, Florida Statutes, is amended to read:

468.1185 Licensure.—

(4) The board may refuse to certify any applicant who is under investigation in any jurisdiction for an act which would constitute a violation of this part or part II of chapter 455 until the investigation is complete and disciplinary proceedings have been terminated.

Section 78. Subsection (1) of section 468.1295, Florida Statutes, is amended to read:

468.1295 Disciplinary proceedings.—

(1) The following acts constitute grounds for both disciplinary actions as set forth in subsection (2) and cease and desist or other related actions by the department as set forth in s. 455.637 ~~455.228~~:

(a) Procuring or attempting to procure a license by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

(b) Having a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of speech-language pathology or audiology.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such report or record shall include only those reports or records which are signed in one's capacity as a licensed speech-language pathologist or audiologist.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Being proven guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of speech-language pathology or audiology.

(g) Violating a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or department.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(j) Showing or demonstrating or, in the event of sale, delivery of a product unusable or impractical for the purpose represented or implied by such action.

(k) Failing to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of such equipment as designated by the board and on the form approved by the board.

(l) Aiding, assisting, procuring, employing, or advising any licensee or business entity to practice speech-language pathology or audiology contrary to this part, part II of chapter 455, or any rule adopted pursuant thereto.

(m) Violating any provision of this part or part II of chapter 455 or any rule adopted pursuant thereto.

(n) Misrepresenting the professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or using any other term or title which might connote the availability of professional services when such use is not accurate.

(o) Representing, advertising, or implying that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(p) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(s) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made," or in any other sense specially fabricated for an individual, when such is not the case.

(t) Canvassing from house to house or by telephone, either in person or by an agent, for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(u) Failing to notify the department in writing of a change in current mailing and place-of-practice address within 30 days after such change.

(v) Failing to provide all information as described in ss. 468.1225(5)(b), 468.1245(1), and 468.1246.

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(x) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee or certificateholder knows, or has reason to know, the licensee or certificateholder is not competent to perform.

(y) Aiding, assisting, procuring, or employing any unlicensed person to practice speech-language pathology or audiology.

(z) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization to perform them.

(aa) Committing any act upon a patient or client which would constitute sexual battery or which would constitute sexual misconduct as defined pursuant to s. 468.1296.

(bb) Being unable to practice the profession for which he or she is licensed or certified under this chapter with reasonable skill or competence as a result of any mental or physical condition or by reason of illness, drunkenness, or use of drugs, narcotics, chemicals, or any other substance. In enforcing this paragraph, upon a finding by the secretary, his or her designee, or the board that probable cause exists to believe that the licensee or certificateholder is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee or certificateholder to submit to a mental or physical examination by a physician, psychologist, clinical social worker, marriage and family therapist, or mental health counselor designated by the department or board. If the licensee or certificateholder refuses to comply with the department's order directing the examination, such order may be enforced by filing a petition for enforcement in the circuit court in the circuit in which the licensee or certificateholder resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee or certificateholder affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that he or she can resume the competent practice for which he or she is licensed or certified with reasonable skill and safety to patients.

Section 79. Subsection (4) of section 468.1665, Florida Statutes, is amended to read:

468.1665 Board of Nursing Home Administrators; membership; appointment; terms.—

(4) All provisions of part II of chapter 455 relating to activities of regulatory boards shall apply.

Section 80. Paragraphs (a) and (h) of subsection (1) of section 468.1755, Florida Statutes, are amended to read:

468.1755 Disciplinary proceedings.—

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

(a) Violation of any provision of s. ~~455.624(1)~~ 455.227(1) or s. 468.1745(1).

(h) A violation or repeated violations of this part, part II of chapter 455, or any rules promulgated pursuant thereto.

Section 81. Section 468.1756, Florida Statutes, is amended to read:

468.1756 Statute of limitations.—An administrative complaint may only be filed pursuant to s. ~~455.621~~ 455.225 for an act listed in paragraphs (1)(c)-(p) of s. 468.1755 within 4 years from the time of the incident giving rise to the complaint, or within 4 years from the time the incident is discovered or should have been discovered.

Section 82. Subsection (5) of section 468.205, Florida Statutes, is amended to read:

468.205 Board of Occupational Therapy Practice.—

(5) All provisions of part II of chapter 455 relating to activities of the board shall apply.

Section 83. Subsection (1) of section 468.219, Florida Statutes, is amended to read:

468.219 Renewal of license; continuing education.—

(1) Licenses issued under this part are subject to biennial renewal as provided in s. ~~455.521~~ 455.203.

Section 84. Subsection (3) of section 468.364, Florida Statutes, is amended to read:

468.364 Fees; establishment; disposition.—

(3) All moneys collected by the department under this part shall be deposited as required by s. ~~455.587~~ 215.37.

Section 85. Paragraph (j) of subsection (1) of section 468.365, Florida Statutes, is amended to read:

468.365 Disciplinary grounds and actions.—

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

(j) Violation of any rule adopted pursuant to this part or part II of chapter 455.

Section 86. Paragraph (b) of subsection (1) of section 468.402, Florida Statutes, is amended to read:

468.402 Duties of the department; authority to issue and revoke license; adoption of rules.—

(1) The department may take any one or more of the actions specified in subsection (5) against any person who has:

(b) Violated any provision of this part, part I of chapter 455, any lawful disciplinary order of the department, or any rule of the department.



Section 87. Subsection (3) of section 468.4315, Florida Statutes, is amended to read:

468.4315 Regulatory Council of Community Association Managers.—

(3) To the extent the council is authorized to exercise functions otherwise exercised by a board pursuant to part I of chapter 455, the provisions of part I of chapter 455 and s. 20.165 relating to regulatory boards shall apply, including, but not limited to, provisions relating to board rules and the accountability and liability of board members. All proceedings and actions of the council are subject to the provisions of chapter 120. In addition, the provisions of part I of chapter 455 and s. 20.165 shall apply to the department in carrying out the duties and authorities conferred upon the department by this part.

Section 88. Paragraphs (c) and (d) of subsection (2) of section 468.453, Florida Statutes, are amended to read:

468.453 Licensure required; qualifications; examination; bond.—

(2) A person shall be licensed as an athlete agent if the applicant:

(c) Passes an examination provided by the department which tests the applicant's proficiency to practice as an athlete agent, including, but not limited to, knowledge of the laws and rules of this state relating to athlete agents, this part, and part I of chapter 455.

(d) Has completed the application form and remitted an application fee not to exceed \$500, an examination fee not to exceed the actual cost for the examination plus \$500, an active licensure fee not to exceed \$2,000, and all other applicable fees provided for in this part or in part I of chapter 455.

Section 89. Paragraph (a) of subsection (1) of section 468.456, Florida Statutes, is amended to read:

468.456 Prohibited acts.—

(1) The following acts shall be grounds for the disciplinary actions provided for in subsection (3):

(a) A violation of any law relating to the practice as an athlete agent including, but not limited to, violations of this part and part I of chapter 455 and any rules promulgated thereunder.

Section 90. Subsection (1) of section 468.4571, Florida Statutes, is amended to read:

468.4571 Saving clauses.—

(1) An athlete agent registration valid on October 1, 1995, shall remain in full force and effect until the expiration of the registration. Upon expiration of such valid registration, the registrant shall be entitled to licensure pursuant to this part, provided that any discipline in effect pursuant to that registration shall be continued as discipline under the new license. All regulation of athlete agents and all licenses or permits for athlete agents shall

be applied for and renewed in accordance with this part and part I of chapter 455.

Section 91. Section 468.506, Florida Statutes, is amended to read:

468.506 Dietetics and Nutrition Practice Council.—There is created the Dietetics and Nutrition Practice Council under the supervision of the board. The council shall consist of four persons licensed under this part and one consumer who is 60 years of age or older. Council members shall be appointed by the board. Licensed members shall be appointed based on the proportion of licensees within each of the respective disciplines. Members shall be appointed for 4-year staggered terms. In order to be eligible for appointment, each licensed member must have been a licensee under this part for at least 3 years prior to his or her appointment. No council member shall serve more than two successive terms. The board may delegate such powers and duties to the council as it may deem proper to carry out the operations and procedures necessary to effectuate the provisions of this part. However, the powers and duties delegated to the council by the board must encompass both dietetics and nutrition practice and nutrition counseling. Any time there is a vacancy on the council, any professional association composed of persons licensed under this part may recommend licensees to fill the vacancy to the board in a number at least twice the number of vacancies to be filled, and the board may appoint from the submitted list, in its discretion, any of those persons so recommended. Any professional association composed of persons licensed under this part may file an appeal regarding a council appointment with the director of the agency, whose decision shall be final. The board shall fix council members' compensation and pay their expenses in the same manner as provided in s. 455.534 ~~455.207~~.

Section 92. Section 468.507, Florida Statutes, is amended to read:

468.507 Authority to adopt rules.—The board may adopt such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by this part and part II of chapter 455. The powers and duties of the board as set forth in this part shall in no way limit or interfere with the powers and duties of the board as set forth in chapter 458. All powers and duties of the board set forth in this part shall be supplemental and additional powers and duties to those conferred upon the board by chapter 458.

Section 93. Subsection (3) of section 468.513, Florida Statutes, is amended to read:

468.513 Dietitian/nutritionist; licensure by endorsement.—

(3) The agency shall not issue a license by endorsement under this section to any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this part or part II of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 94. Paragraph (a) of subsection (1) of section 468.518, Florida Statutes, is amended to read:

468.518 Grounds for disciplinary action.—

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

(a) Violating any provision of this part, any board or agency rule adopted pursuant thereto, or any lawful order of the board or agency previously entered in a disciplinary hearing held pursuant to this part, or failing to comply with a lawfully issued subpoena of the agency. The provisions of this paragraph also apply to any order or subpoena previously issued by the Department of ~~Health Business and Professional Regulation~~ during its period of regulatory control over this part.

Section 95. Section 468.523, Florida Statutes, is amended to read:

468.523 Applicability of s. 20.165 and pt. I of ch. 455.—All provisions of s. 20.165 and part I of chapter 455 relating to activities of regulatory boards shall apply.

Section 96. Subsection (3) of section 468.526, Florida Statutes, is amended to read:

468.526 License required; fees.—

(3) Each employee leasing company and employee leasing company group licensee shall pay to the department upon the initial issuance of a license and upon each renewal thereafter a license fee not to exceed \$2,500 to be established by the board. In addition to the license fee, the board shall establish an annual assessment for each employee leasing company and each employee leasing company group sufficient to cover all costs for regulation of the profession pursuant to this chapter, part I of chapter 455, and any other applicable provisions of law. The annual assessment shall:

(a) Be due and payable upon initial licensure and subsequent renewals thereof and 1 year before the expiration of any licensure period; and

(b) Be based on a fixed percentage, variable classes, or a combination of both, as determined by the board, of gross Florida payroll for employees leased to clients by the applicant or licensee during the period beginning five quarters before and ending one quarter before each assessment. It is the intent of the Legislature that the greater weight of total fees for licensure and assessments should be on larger companies and groups.

Section 97. Paragraph (i) of subsection (1) of section 468.532, Florida Statutes, is amended to read:

468.532 Discipline.—

(1) The following constitute grounds for which disciplinary action against a licensee may be taken by the board:

(i) Violating any provision of this part or any lawful order or rule issued under the provisions of this part or part I of chapter 455.

Section 98. Subsection (1) of section 468.535, Florida Statutes, is amended to read:

468.535 Investigations; audits; review.—

(1) The department may make investigations, audits, or reviews within or outside this state as it deems necessary:

(a) To determine whether a person or company has violated or is in danger of violating any provision of this part, part I of chapter 455, or any rule or order thereunder; or

(b) To aid in the enforcement of this part or part I of chapter 455.

Section 99. Subsections (7) and (9) of section 468.701, Florida Statutes, are amended to read:

468.701 Definitions.—As used in this part, the term:

(7) “Department” means the Department of Health Business and Professional Regulation.

(9) “Secretary” means the Secretary of Health Business and Professional Regulation.

Section 100. Subsections (2) and (4) of section 468.703, Florida Statutes, are amended to read:

468.703 Council of Athletic Training.—

(2) Four members of the council shall be licensed athletic trainers. One member of the council shall be a physician licensed under chapter 458 or chapter 459. One member of the council shall be a physician licensed under chapter 460 and certified in the specialty of sports medicine by the Chiropractic Council on Sports Medicine. One member of the council shall be a resident of this state who has never worked as an athletic trainer, who has no financial interest in the practice of athletic training, and who has never been a licensed health care practitioner as defined in s. 455.501(4) ~~s. 455.01(4)~~. Members of the council shall serve staggered 4-year terms as determined by rule of the department; however, no member may serve more than two consecutive terms.

(4) Members of the council shall be entitled to compensation and reimbursement for expenses in the same manner as board members are compensated and reimbursed under s. 455.534 ~~455.207~~.

Section 101. Subsection (2) of section 468.707, Florida Statutes, is amended to read:

468.707 Licensure by examination; requirements.—

(2) Pursuant to the requirements of s. ~~455.604~~ ~~455.2228~~, each applicant shall complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of initial licensure.

Section 102. Subsections (1) and (3) of section 468.711, Florida Statutes, are amended to read:

468.711 Renewal of license; continuing education.—

(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 part, part II of chapter 455, and rules promulgated pursuant thereto.

(3) Pursuant to the requirements of s. ~~455.604~~ ~~455.2228~~, each licensee shall complete a continuing education course on human immunodeficiency virus and acquired immune deficiency syndrome as part of biennial relicensure.

Section 103. Paragraph (a) of subsection (1) and subsection (2) of section 468.719, Florida Statutes, are amended to read:

468.719 Disciplinary actions.—

(1) The following acts shall be grounds for disciplinary actions provided for in subsection (2):

(a) A violation of any law relating to the practice of athletic training, including, but not limited to, any violation of this part, s. ~~455.624~~ ~~455.227~~, or any rule adopted pursuant thereto.

(2) When the department finds any person guilty of any of the acts set forth in subsection (1), the department may enter an order imposing one or more of the penalties provided in s. ~~455.624~~ ~~455.227~~.

Section 104. Subsection (4) of section 468.801, Florida Statutes, is amended to read:

468.801 Board of Orthotists and Prosthetists; appointment; membership; terms; headquarters.—

(4) The provisions of part II of chapter 455 relating to activities of regulatory boards apply to the board.

Section 105. Subsections (1) and (2) of section 468.811, Florida Statutes, are amended to read:

468.811 Disciplinary proceedings.—

(1) The following acts are grounds for disciplinary action against a licensee and the issuance of cease and desist orders or other related action by the department, pursuant to s. ~~455.624~~ ~~455.227~~, against any person who engages in or aids in a violation.

- (a) Attempting to procure a license by fraudulent misrepresentation.
- (b) Having a license to practice orthotics, prosthetics, or pedorthics revoked, suspended, or otherwise acted against, including the denial of licensure in another jurisdiction.
- (c) Being convicted or found guilty of or pleading nolo contendere to, regardless of adjudication, in any jurisdiction, a crime that directly relates to the practice of orthotics, prosthetics, or pedorthics, including violations of federal laws or regulations regarding orthotics, prosthetics, or pedorthics.
- (d) Filing a report or record that the licensee knows is false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records include only reports or records that are signed in a person's capacity as a licensee under this act.
- (e) Advertising goods or services in a fraudulent, false, deceptive, or misleading manner.
- (f) Violation of this act or part II of chapter 455, or any rules adopted thereunder.
- (g) Violation of an order of the board, agency, or department previously entered in a disciplinary hearing or failure to comply with a subpoena issued by the board, agency, or department.
- (h) Practicing with a revoked, suspended, or inactive license.
- (i) Gross or repeated malpractice or the failure to deliver orthotic, prosthetic, or pedorthic services with that level of care and skill which is recognized by a reasonably prudent licensed practitioner with similar professional training as being acceptable under similar conditions and circumstances.
- (j) Failing to provide written notice of any applicable warranty for an orthosis, prosthesis, or pedorthic device that is provided to a patient.

(2) The board may enter an order imposing one or more of the penalties in s. ~~455.624(2)~~ ~~455.227(2)~~ against any person who violates any provision of subsection (1).

Section 106. Paragraph (b) of subsection (1) of section 469.009, Florida Statutes, is amended to read:

469.009 License revocation, suspension, and denial of issuance or renewal.—

(1) The department may revoke, suspend, or deny the issuance or renewal of a license; reprimand, censure, or place on probation any contractor, consultant, financially responsible officer, or business organization; require financial restitution to a consumer; impose an administrative fine not to exceed \$5,000 per violation; require continuing education; or assess costs

associated with any investigation and prosecution if the contractor or consultant, or business organization or officer or agent thereof, is found guilty of any of the following acts:

- (b) Violating any provision of part I of chapter 455.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

Section 107. Subsection (4) of section 470.003, Florida Statutes, is amended to read:

470.003 Board of Funeral Directors and Embalmers; membership; appointment; terms.—

(4) All provisions of part I of chapter 455 and s. 20.165 relating to activities of regulatory boards shall apply.

Section 108. Paragraph (h) of subsection (1) of section 470.036, Florida Statutes, is amended to read:

470.036 Disciplinary proceedings.—

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

(h) A violation or repeated violation of this chapter or of part I of chapter 455 and any rules promulgated pursuant thereto.

Section 109. Section 471.008, Florida Statutes, is amended to read:

471.008 Rules of the board.—The board may adopt such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred upon the board by this chapter or part I of chapter 455.

Section 110. Subsection (4) of section 471.015, Florida Statutes, is amended to read:

471.015 Licensure.—

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of ss. 471.001-471.037 or of part I of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 111. Paragraphs (c) and (h) of subsection (1) of section 471.033, Florida Statutes, are amended to read:

471.033 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(c) Having a license to practice engineering revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act that would constitute a violation of this chapter or part I of chapter 455.

(h) Violating part I of chapter 455.

Section 112. Subsections (4) and (5) of section 471.038, Florida Statutes, are amended to read:

471.038 Florida Engineers Management Corporation.—

(4) The Florida Engineers Management Corporation is created to provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of part I of chapter 455 and this chapter. The corporation may hire staff as necessary to carry out its functions. Such staff are not public employees for the purposes of chapter 110 or chapter 112. The provisions of s. 768.28 apply to the corporation, which is deemed to be a corporation primarily acting as an instrumentality of the state, but which is not an agency within the meaning of s. 20.03(11). The corporation shall:

(a) Be a Florida corporation not for profit, incorporated under the provisions of chapter 617.

(b) Provide administrative, investigative, and prosecutorial services to the board in accordance with the provisions of part I of chapter 455 and this chapter.

(c) Receive, hold, and administer property and make expenditures for the benefit of the board.

(d) Be approved by the board and the department to operate for the benefit of the board and in the best interest of the state.

(e) Operate under a fiscal year that begins on July 1 of each year and ends on June 30 of the following year.

(f) Have a seven-member board of directors, five of whom are to be appointed by the board and must be registrants regulated by the board and two of whom are to be appointed by the secretary and must be laypersons not regulated by the board. The corporation shall select its officers in accordance with its bylaws. The members of the board of directors may be removed by the board, with the concurrence of the department, for the same reasons that a board member may be removed.

(g) Operate under a written contract with the department which is approved by the board and renewed annually. The initial contract must be entered into no later than March 1, 1998. The contract must provide for:

1. Approval of the articles of incorporation and bylaws of the corporation by the department and the board.

2. Submission by the corporation of an annual budget that complies with board rules for approval by the board and the department.



3. Annual certification by the board and the department that the corporation is complying with the terms of the contract in a manner consistent with the goals and purposes of the board and in the best interest of the state. This certification must be reported in the board's minutes.

4. Employment by the department of a contract administrator to actively supervise the administrative, investigative, and prosecutorial activities of the corporation to ensure compliance with the contract and the provisions of part I of chapter 455 and this chapter and to act as a liaison for the department, the board, and the corporation to ensure the effective operation of the corporation.

5. Funding of the corporation through appropriations allocated to the regulation of professional engineers from the Professional Regulation Trust Fund.

6. The reversion to the board, or the state if the board ceases to exist, of moneys and property held in trust by the corporation for the benefit of the board, if the corporation is no longer approved to operate for the board or the board ceases to exist.

7. The securing and maintaining by the corporation, during the term of the contract and for all acts performed during the term of the contract, of all liability insurance coverages in an amount to be approved by the department to defend, indemnify, and hold harmless the corporation and its officers and employees, the department and its employees, and the state against all claims arising from state and federal laws. Such insurance coverage must be with insurers qualified and doing business in the state. The corporation must provide proof of insurance to the department. The department and its employees and the state are exempt from and are not liable for any sum of money which represents a deductible, which sums shall be the sole responsibility of the corporation. Violation of this subparagraph shall be grounds for terminating the contract.

(h) Provide for an annual financial and compliance audit of its financial accounts and records by an independent certified public accountant in conjunction with the Auditor General. The annual audit report must be submitted to the board and the department for review and approval. Copies of the audit must be submitted to the secretary and the Legislature together with any other information requested by the secretary, the board, or the Legislature.

(i) Submit to the secretary, the board, and the Legislature, on or before January 1 of each year, a report on the status of the corporation which includes, but is not limited to, information concerning the programs and funds that have been transferred to the corporation. The report must include: the number of license applications received; the number approved and denied and the number of licenses issued; the number of examinations administered and the number of applicants who passed or failed the examination; the number of complaints received; the number determined to be legally sufficient; the number dismissed; the number determined to have probable cause; the number of administrative complaints issued and the

status of the complaints; and the number and nature of disciplinary actions taken by the board.

(5) The corporation may not exercise any authority specifically assigned to the board under part I of chapter 455 or this chapter, including determining probable cause to pursue disciplinary action against a licensee, taking final action on license applications or in disciplinary cases, or adopting administrative rules under chapter 120.

Section 113. Subsection (4) of section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(4) The department shall not issue a license by endorsement to any applicant who is under investigation in another state for any act that would constitute a violation of ss. 472.001-472.041 or part I of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 114. Subsection (1) of section 473.3035, Florida Statutes, is amended to read:

473.3035 Division of Certified Public Accounting.—

(1) All services concerning this chapter, including, but not limited to, recordkeeping services, examination services, legal services, and investigative services, and those services in part I of chapter 455 necessary to perform the duties of this chapter shall be provided by the Division of Certified Public Accounting. The board may, by majority vote, delegate a duty or duties to the appropriate division within the department. The board may, by majority vote, rescind any such delegation of duties at any time.

Section 115. Subsection (5) of section 473.308, Florida Statutes, is amended to read:

473.308 Licensure.—

(5) The board may refuse to certify for licensure any applicant who is under investigation in another state for any act which would constitute a violation of this act or part I of chapter 455, until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 116. Subsection (1) of section 473.311, Florida Statutes, is amended to read:

473.311 Renewal of license.—

(1) The department shall renew a license upon receipt of the renewal application and fee and upon certification by the board that the licensee has satisfactorily completed the continuing education requirements of s. 473.312 and has passed an examination approved by the board on part I of chapter 455 and this chapter and the related administrative rules.

Section 117. Paragraph (h) of subsection (1) of section 473.323, Florida Statutes, is amended to read:

473.323 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(h) Violation of any rule adopted pursuant to this chapter or part I of chapter 455.

Section 118. Subsection (3) of section 474.204, Florida Statutes, is amended to read:

474.204 Board of Veterinary Medicine.—

(3) All provisions of part I of chapter 455 relating to activities of regulatory boards shall apply.

Section 119. Paragraph (f) of subsection (1) of section 474.214, Florida Statutes, is amended to read:

474.214 Disciplinary proceedings.—

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

(f) Violating any provision of this chapter or part I of chapter 455, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.

Section 120. Section 474.2145, Florida Statutes, is amended to read:

474.2145 Subpoena of certain records.—Notwithstanding any provision of law to the contrary the provisions of s. 455.241, the department may issue subpoenas duces tecum requiring the names and addresses of some or all the clients of a licensed veterinarian against whom a complaint has been filed pursuant to s. 455.225 when the information has been deemed necessary and relevant to the investigation as determined by the secretary of the department.

Section 121. Subsection (1) of section 475.021, Florida Statutes, is amended to read:

475.021 Division of Real Estate.—

(1) All services concerning this chapter, including, but not limited to, recordkeeping services, examination services, legal services, and investigative services, and those services in part I of chapter 455 necessary to perform the duties of this chapter shall be provided by the Division of Real Estate. The commission may, by majority vote, delegate a duty or duties to the appropriate division within the department. The commission may, by majority vote, rescind any such delegation of duties at any time.

Section 122. Subsection (3) of section 475.181, Florida Statutes, is amended to read:

475.181 Licensure.—

(3) The department may not issue a license to any applicant who is under investigation in any other state, territory, or jurisdiction of the United States or any foreign national jurisdiction for any act that would constitute a violation of this part or part I of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 123. Paragraph (e) of subsection (1) of section 475.25, Florida Statutes, is amended to read:

475.25 Discipline.—

(1) The commission may deny an application for licensure, registration, or permit, or renewal thereof; may place a licensee, registrant, or permittee on probation; may suspend a license, registration, or permit for a period not exceeding 10 years; may revoke a license, registration, or permit; may impose an administrative fine not to exceed \$1,000 for each count or separate offense; and may issue a reprimand, and any or all of the foregoing, if it finds that the licensee, registrant, permittee, or applicant:

(e) Has violated any of the provisions of this chapter or any lawful order or rule made or issued under the provisions of this chapter or part I of chapter 455.

Section 124. Subsection (4) of section 475.624, Florida Statutes, is amended to read:

475.624 Discipline.—The board may deny an application for registration, licensure, or certification; investigate the actions of any appraiser registered, licensed, or certified under this section; and may reprimand, fine, revoke, or suspend, for a period not to exceed 10 years, the registration, license, or certification of any such appraiser, or place any such appraiser on probation if it finds that the registrant, licensee, or certificateholder:

(4) Has violated any of the provisions of this section or any lawful order or rule issued under the provisions of this section or part I of chapter 455.

Section 125. Paragraph (i) of subsection (1) of section 476.204, Florida Statutes, is amended to read:

476.204 Penalties.—

(1) It is unlawful for any person to:

(i) Violate or refuse to comply with any provision of this chapter or part I of chapter 455 or a rule or final order of the board.

Section 126. Paragraph (i) of subsection (1) of section 477.029, Florida Statutes, is amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

(i) Violate or refuse to comply with any provision of this chapter or part I of chapter 455 or a rule or final order of the board or the department.

Section 127. Subsection (5) of section 480.044, Florida Statutes, is amended to read:

480.044 Fees; disposition.—

(5) All moneys collected by the department from fees authorized by this act shall be paid into the Medical Quality Assurance Professional Regulation Trust Fund in the department and shall be applied in accordance with the provisions of ss. ~~455.587~~ 215.37 and ~~455.219~~. The Legislature may appropriate any excess moneys from this fund to the General Revenue Fund.

Section 128. Section 481.2055, Florida Statutes, is amended to read:

481.2055 Authority to make rules.—The board may adopt such rules, not inconsistent with law, as may be necessary to carry out the duties and authority conferred upon the board by this part and part I of chapter 455.

Section 129. Subsection (5) of section 481.213, Florida Statutes, is amended to read:

481.213 Licensure.—

(5) The board may refuse to certify any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this part or of part I of chapter 455 until such time as the investigation is complete and disciplinary proceedings have been terminated.

Section 130. Paragraphs (a) and (c) of subsection (1) of section 481.225, Florida Statutes, are amended to read:

481.225 Disciplinary proceedings against registered architects.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(a) Violating any provision of s. 455.227(1), s. 481.221, or s. 481.223, or any rule of the board or department lawfully adopted pursuant to this part or part I of chapter 455.

(c) Having a license to practice architecture revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country, for any act that would constitute a violation of this part or of part I of chapter 455.

Section 131. Subsection (1) of section 481.2251, Florida Statutes, is amended to read:

481.2251 Disciplinary proceedings against registered interior designers.—

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

(a) Attempting to obtain, obtaining, or renewing, by bribery, by fraudulent misrepresentation, or through an error of the board, a license to practice interior design;

(b) Having a license to practice interior design revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction for any act which would constitute a violation of this part or of part I of chapter 455;

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the provision of interior design services or to the ability to provide interior design services. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding her or his plea;

(d) False, deceptive, or misleading advertising;

(e) Failing to report to the board any person who the licensee knows is in violation of this part or the rules of the board;

(f) Aiding, assisting, procuring, or advising any unlicensed person to use the title “interior designer” contrary to this part or to a rule of the board;

(g) Failing to perform any statutory or legal obligation placed upon a registered interior designer;

(h) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a registered interior designer;

(i) Making deceptive, untrue, or fraudulent representations in the provision of interior design services;

(j) Accepting and performing professional responsibilities which the licensee knows or has reason to know that she or he is not competent or licensed to perform;

(k) Violating any provision of this part, any rule of the board, or a lawful order of the board previously entered in a disciplinary hearing;

(l) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services;

(m) Acceptance of compensation or any consideration by an interior designer from someone other than the client without full disclosure of the compensation or consideration amount or value to the client prior to the engagement for services, in violation of s. 481.2131(2); or

(n) Rendering or offering to render architectural services.

Section 132. Section 481.306, Florida Statutes, is amended to read:

481.306 Authority to make rules.—The board may adopt such rules, not inconsistent with law, as may be necessary to carry out the duties and authority conferred upon the board by this chapter and part I of chapter 455.

Section 133. Subsection (5) of section 481.311, Florida Statutes, is amended to read:

481.311 Licensure.—

(5) The board may refuse to certify any applicant who is under investigation in any jurisdiction for any act which would constitute a violation of this act or of part I of chapter 455, until the investigation is complete and disciplinary proceedings have been terminated.

Section 134. Paragraph (h) of subsection (1) of section 481.325, Florida Statutes, is amended to read:

481.325 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(h) Violation of any rule adopted pursuant to this part or part I of chapter 455.

Section 135. Subsection (5) of section 483.805, Florida Statutes, is amended to read:

483.805 Board of Clinical Laboratory Personnel.—

(5) All provisions of part II of chapter 455 relating to activities of regulatory boards shall apply to the board.

Section 136. Subsection (10) of section 483.807, Florida Statutes, is amended to read:

483.807 Fees; establishment; disposition.—

(10) All fees shall be established, collected, and deposited in accordance with s. ~~455.587~~ 455.219.

Section 137. Paragraph (j) of subsection (4) and paragraph (b) of subsection (5) of section 483.901, Florida Statutes, are amended, and paragraph (k) is added to subsection (6) of that section, to read:

483.901 Medical physicists; definitions; licensure.—

(4) COUNCIL.—The Advisory Council of Medical Physicists is created in the Department of Health to advise the department in regulating the practice of medical physics in this state.

(j) A council member may be removed from the council if the member:

1. Did not have the required qualifications at the time of appointment;
2. Does not maintain the required qualifications while serving on the council; or
3. Fails to attend the regularly scheduled council meetings in a calendar year as required by s. ~~455.534~~ 455.207.

(5) POWERS OF COUNCIL.—The council shall:

(b) Recommend practice standards for the practice of medical physics which are consistent with the Guidelines for Ethical Practice for Medical Physicists prepared by the American Association of Physicists in Medicine and disciplinary guidelines adopted under s. ~~455.627~~ 455.2273.

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(k) Upon receipt of a complete application and the fee set forth by rule, the department may issue a physicist-in-training certificate to a person qualified to practice medical physics under direct supervision. The department may establish by rule requirements for initial certification and renewal of a physicist-in-training certificate.

Section 138. Subsection (1) of section 484.002, Florida Statutes, is amended to read:

484.002 Definitions.—As used in this part:

(1) “Department” means the Department of ~~Health Business and Professional Regulation~~.

Section 139. Subsection (1) of section 484.003, Florida Statutes, is amended to read:

484.003 Board of Opticianry; membership; appointment; terms.—

(1) The Board of Opticianry is created within the Department of ~~Health Business and Professional Regulation~~ and shall consist of seven members to be appointed by the Governor and confirmed by the Senate.

Section 140. Subsection (1) of section 484.014, Florida Statutes, is amended to read:



## 484.014 Disciplinary actions.—

(1) The following acts relating to the practice of opticianry shall be grounds for both disciplinary action against an optician as set forth in this section and cease and desist or other related action by the department as set forth in s. ~~455.637~~ ~~455.228~~ against any person operating an optical establishment who engages in, aids, or abets any such violation:

(a) Procuring or attempting to procure a license by misrepresentation, bribery, or fraud or through an error of the department or the board.

(b) Procuring or attempting to procure a license for any other person by making or causing to be made any false representation.

(c) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by federal or state law, willfully impeding or obstructing such filing, or inducing another person to do so. Such reports or records shall include only those which the person is required to make or file as an optician.

(d) Failing to make fee or price information readily available by providing such information upon request or upon the presentation of a prescription.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(f) Fraud or deceit, or negligence, incompetency, or misconduct, in the authorized practice of opticianry.

(g) Violation or repeated violation of this part or of part II of chapter 455 or any rules promulgated pursuant thereto.

(h) Practicing with a revoked, suspended, inactive, or delinquent license.

(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

(j) Violation of any provision of s. 484.012.

(k) Conspiring with another licensee or with any person to commit an act, or committing an act, which would coerce, intimidate, or preclude another licensee from lawfully advertising her or his services.

(l) Willfully submitting to any third-party payor a claim for services which were not provided to a patient.

(m) Failing to keep written prescription files.

(n) Willfully failing to report any person who the licensee knows is in violation of this part or of rules of the department or the board.

(o) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

(p) Gross or repeated malpractice.

(q) Permitting any person not licensed as an optician in this state to fit or dispense any lenses, spectacles, eyeglasses, or other optical devices which are part of the practice of opticianry.

(r) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, in a court of this state or other jurisdiction, a crime which relates to the ability to practice opticianry or to the practice of opticianry.

(s) Having been disciplined by a regulatory agency in another state for any offense that would constitute a violation of Florida law or rules regulating opticianry.

(t) Being unable to practice opticianry with reasonable skill and safety by reason of illness or use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. An optician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of opticianry with reasonable skill and safety to her or his customers.

Section 141. Subsection (4) of section 484.042, Florida Statutes, is amended to read:

484.042 Board of Hearing Aid Specialists; membership, appointment, terms.—

(4) All provisions of part II of chapter 455 relating to activities of regulatory boards apply to the board. However, notwithstanding the requirement of s. ~~455.621(4)~~ ~~455.225(4)~~ that the board provide by rule for the determination of probable cause by a panel composed of its members or by the department, the board may provide by rule that its probable cause panel may be composed of one current member of the board and one past member of the board, as long as the past member is a licensed hearing aid specialist in good standing. The past board member shall be appointed to the panel for a maximum of 2 years by the chair of the board with the approval of the secretary.

Section 142. Subsection (1) of section 484.056, Florida Statutes, is amended to read:

484.056 Disciplinary proceedings.—

(1) The following acts relating to the practice of dispensing hearing aids shall be grounds for both disciplinary action against a hearing aid specialist as set forth in this section and cease and desist or other related action by the department as set forth in s. ~~455.637~~ ~~455.228~~ against any person owning or operating a hearing aid establishment who engages in, aids, or abets any such violation:

(a) Violation of any provision of s. ~~455.624(1)~~ ~~455.227(1)~~ or s. 484.053.

(b) Attempting to procure a license to dispense hearing aids by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(c) Having a license to dispense hearing aids revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(d) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of dispensing hearing aids or the ability to practice dispensing hearing aids, including violations of any federal laws or regulations regarding hearing aids.

(e) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those reports or records which are signed in one's capacity as a licensed hearing aid specialist.

(f) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content.

(g) Proof that the licensee is guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of dispensing hearing aids.

(h) Violation or repeated violation of this part or of part II of chapter 455, or any rules promulgated pursuant thereto.

(i) Violation of a lawful order of the board or department previously entered in a disciplinary hearing or failure to comply with a lawfully issued subpoena of the board or department.

(j) Practicing with a revoked, suspended, inactive, or delinquent license.

(k) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful.

(l) Showing or demonstrating, or, in the event of sale, delivery of, a product unusable or impractical for the purpose represented or implied by such action.

(m) Misrepresentation of professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or use of the terms "doctor," "clinic," "clinical," "medical audiologist," "clinical audiologist," "research audiologist," or "audiologic" or any other term or title which might connote the availability of professional services when such use is not accurate.

(n) Representation, advertisement, or implication that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of

the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee.

(o) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable.

(p) Making any predictions or prognostications as to the future course of a hearing impairment, either in general terms or with reference to an individual person.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any similar or opposite effect.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid.

(s) Representing or implying that a hearing aid is or will be “custom-made,” “made to order,” or “prescription-made” or in any other sense specially fabricated for an individual person when such is not the case.

(t) Canvassing from house to house or by telephone either in person or by an agent for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing.

(u) Failure to submit to the board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the board.

(v) Failing to provide all information as described in s. 484.051(1).

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party.

Section 143. Subsection (4) of section 486.023, Florida Statutes, is amended to read:

486.023 Board of Physical Therapy Practice.—

(4) All provisions of part II of chapter 455 relating to activities of the board shall apply.

Section 144. Section 486.115, Florida Statutes, is amended to read:

486.115 Disposition of fees.—All moneys collected by the department under this chapter shall be deposited and expended pursuant to the provisions of s. ~~455.587~~ 215.37.

Section 145. Section 486.172, Florida Statutes, is amended to read:

486.172 Application of s. ~~455.514~~ 455.11.—The provisions of s. ~~455.514~~ 455.11 shall also be applicable to the provisions of this chapter.

Section 146. Paragraph (c) of subsection (1) and paragraph (a) of subsection (11) of section 489.129, Florida Statutes, are amended to read:

489.129 Disciplinary proceedings.—

(1) The board may take any of the following actions against any certificateholder or registrant: place on probation or reprimand the licensee, revoke, suspend, or deny the issuance or renewal of the certificate, registration, or certificate of authority, require financial restitution to a consumer for financial harm directly related to a violation of a provision of this part, impose an administrative fine not to exceed \$5,000 per violation, require continuing education, or assess costs associated with investigation and prosecution, if the contractor, financially responsible officer, or business organization for which the contractor is a primary qualifying agent, a financially responsible officer, or a secondary qualifying agent responsible under s. 489.1195 is found guilty of any of the following acts:

(c) Violating any provision of part I of chapter 455.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

(11)(a) Notwithstanding the provisions of ~~chapter~~ chapters 120 and part I of chapter 455, upon receipt of a legally sufficient consumer complaint alleging a violation of this part, the department may provide by rule for binding arbitration between the complainant and the certificateholder or registrant, provided the following conditions exist:

1. There is evidence that the complainant has suffered or is likely to suffer monetary damages resulting from the violation of this part;
2. The certificateholder or registrant does not have a history of repeated or similar violations;
3. Reasonable grounds exist to believe that the public interest will be better served by arbitration than by disciplinary action; and
4. The complainant and certificateholder or registrant have not previously entered into private arbitration, and no civil court action based on the same transaction has been filed.

Section 147. Paragraph (a) of subsection (1) and paragraphs (a) and (e) of subsection (7) of section 489.533, Florida Statutes, are amended to read:

489.533 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for disciplinary actions as provided in subsection (2):

- (a) Violating any provision of s. 489.531 or part I of chapter 455.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

(7)(a) The department may, by rule, provide for a mediation process for the complainant and the licensee. Notwithstanding the provisions of chapter chapters 120 and part I of chapter 455, upon receipt of a legally sufficient consumer complaint alleging a violation of this part, both the licensee and the complainant may consent in writing to mediation within 15 days following notification of this process by the department. The department may suspend all action in the matter for 45 days when notice of consent to mediation is received by the department. If the mediation process is successfully concluded within the 60-day period, the department may close the case file with a notation of the disposition and the licensee's record shall reflect only that a complaint was filed and resolved through mediation. If mediation is rejected by either the complainant or licensee, or should said parties fail to reach a mediated solution within the 60-day period, the department shall process the complaint in the manner required by chapter chapters 120 and part I of chapter 455. The mediator shall provide a written report to the department of the mediation results within 10 days of the conclusion of the mediation process as provided by rule.

(e) The department, in conjunction with the board, shall determine by rule the types of cases which may be included in the mediation process. The department may initiate or continue disciplinary action, pursuant to part I of chapter 455 and this chapter against the licensee as determined by rule.

Section 148. Subsection (5) of section 490.004, Florida Statutes, is amended to read:

490.004 Board of Psychology.—

(5) All applicable provisions of part II of chapter 455 relating to activities of regulatory boards shall apply to the board.

Section 149. Section 490.00515, Florida Statutes, is amended to read:

490.00515 Exemptions from public records and meetings requirements.—The exemptions from s. 119.07(1) provided by ss. 455.621(2) 455.225(2) and (10) and 455.707(3)(e) 455.261(3)(e) and (5)(a) also apply to information concerning a provisional psychologist regulated by the Agency for Health Care Administration and the Department of Health under this chapter, a registered clinical social worker intern, a registered marriage and family therapist intern, a registered mental health counselor intern, a provisional clinical social worker, a provisional marriage and family therapist, or a provisional mental health counselor regulated by the Agency for Health Care Administration and the Department of Health under chapter 491. The exemption from s. 286.011 provided by s. 455.621(4) 455.225(4) also applies to the proceedings of a probable cause panel with respect to an investigation concerning a provisional psychologist, a registered clinical social worker

intern, a registered marriage and family therapist intern, a registered mental health counselor intern, a provisional clinical social worker, a provisional marriage and family therapist, or a provisional mental health counselor regulated by the agency and department under this chapter or chapter 491. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 150. Paragraph (q) of subsection (2) of section 490.009, Florida Statutes, is amended to read:

490.009 Discipline.—

(2) The following acts of a licensee, provisional licensee, or applicant are grounds for which the disciplinary actions listed in subsection (1) may be taken:

(q) Violating provisions of this chapter, or of part II of chapter 455, or any rules adopted pursuant thereto.

Section 151. Subsection (1) of section 490.015, Florida Statutes, is amended to read:

490.015 Duties of the department.—

(1) All functions reserved to boards under part II of chapter 455 shall be exercised by the department with respect to the regulation of school psychologists and in a manner consistent with the exercise of its regulatory functions.

Section 152. Subsection (6) of section 491.004, Florida Statutes, is amended to read:

491.004 Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.—

(6) All applicable provisions of part II of chapter 455 relating to activities of regulatory boards shall apply to the board.

Section 153. Section 491.0047, Florida Statutes, is amended to read:

491.0047 Exemptions from public records and meetings requirements.— The exemptions from s. 119.07(1) provided by ss. ~~455.621(2)~~ ~~455.225(2)~~ and (10) and ~~455.707(3)(e)~~ ~~455.261(3)(e)~~ and (5)(a) also apply to information concerning a provisional psychologist regulated by the Agency for Health Care Administration and the Department of Health under chapter 490, a registered clinical social worker intern, a registered marriage and family therapist intern, a registered mental health counselor intern, a provisional clinical social worker, a provisional marriage and family therapist, or a provisional mental health counselor regulated by the Agency for Health Care Administration and the Department of Health under this chapter. The exemption from s. 286.011 provided by s. ~~455.621(4)~~ ~~455.225(4)~~ also applies to the proceedings of a probable cause panel with respect to an investigation

concerning a provisional psychologist, a registered clinical social worker intern, a registered marriage and family therapist intern, a registered mental health counselor intern, a provisional clinical social worker, a provisional marriage and family therapist, or a provisional mental health counselor regulated by the agency and department under chapter 490 or this chapter. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 154. Paragraph (q) of subsection (2) of section 491.009, Florida Statutes, is amended to read:

491.009 Discipline.—

(2) The following acts of a licensee, provisional licensee, registered intern, certificateholder, or applicant are grounds for which the disciplinary actions listed in subsection (1) may be taken:

(q) Violating provisions of this chapter, or of part II of chapter 455, or any rules adopted pursuant thereto.

Section 155. Subsection (1) of section 491.015, Florida Statutes, is amended to read:

491.015 Duties of the department as to certified master social workers.—

(1) All functions reserved to boards under part II of chapter 455 shall be exercised by the department with respect to the regulation of certified master social workers and in a manner consistent with the exercise of its regulatory functions.

Section 156. Subsection (2) of section 492.103, Florida Statutes, is amended to read:

492.103 Board of Professional Geologists.—

(2) All provisions of part I of chapter 455 relating to activities of the board shall apply.

Section 157. Paragraph (h) of subsection (1) of section 492.113, Florida Statutes, is amended to read:

492.113 Disciplinary proceedings.—

(1) The following acts constitute grounds for which the disciplinary actions in subsection (3) may be taken:

(h) Violation of part I of chapter 455.

Section 158. Subsection (3) of section 627.668, Florida Statutes, is amended to read:

627.668 Optional coverage for mental and nervous disorders required; exception.—



(3) Insurers must maintain strict confidentiality regarding psychiatric and psychotherapeutic records submitted to an insurer for the purpose of reviewing a claim for benefits payable under this section. These records submitted to an insurer are subject to the limitations of s. ~~455.667~~ 455.241, relating to the furnishing of patient records.

Section 159. Paragraph (e) of subsection (2) and subsections (1) and (3) of section 627.912, Florida Statutes, are amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) Each self-insurer authorized under s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed under chapter 458, to a practitioner of osteopathic medicine licensed under chapter 459, to a podiatrist licensed under chapter 461, to a dentist licensed under chapter 466, to a hospital licensed under chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part I of chapter 641, to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002, or to a member of The Florida Bar shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:

- (a) A final judgment in any amount.
- (b) A settlement in any amount.
- (c) A final disposition not resulting in payment on behalf of the insured.

Reports shall be filed with the department and, if the insured party is licensed under chapter 458, chapter 459, chapter 461, or chapter 466, with the ~~Department of Health Agency for Health Care Administration~~, no later than 30 days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c). The Department of Health Agency for Health Care Administration shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary action, in which case the provisions of s. ~~455.621~~ 455.225 shall apply. The Department of Health Agency for Health Care Administration, as part of the annual report required by s. ~~455.644~~ 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the Department of Health agency or the appropriate regulatory board.

(2) The reports required by subsection (1) shall contain:

(e) The name and address of the injured person. This information is confidential and exempt from the provisions of s. 119.07(1), and must not be disclosed by the department without the injured person's consent, except for disclosure by the department to the Department of Health Agency ~~for~~

~~Health Care Administration.~~ This information may be used by the department for purposes of identifying multiple or duplicate claims arising out of the same occurrence.

(3) Upon request by the ~~Department of Health Agency for Health Care Administration~~, the department shall provide the ~~Department of Health agency~~ with any information received under this section related to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466. For purposes of safety management, the department shall annually provide the Department of Health with copies of the reports in cases resulting in an indemnity being paid to the claimants.

Section 160. Section 636.039, Florida Statutes, is amended to read:

636.039 Examination by the department.—The department shall examine the affairs, transactions, accounts, business records, and assets of any prepaid limited health service organization, in the same manner and subject to the same terms and conditions that apply to insurers under part II of chapter 624, as often as it deems it expedient for the protection of the people of this state, but not less frequently than once every 3 years. In lieu of making its own financial examination, the department may accept an independent certified public accountant's audit report prepared on a statutory accounting basis consistent with this act. However, except when the medical records are requested and copies furnished pursuant to s. ~~455.667~~ 455.241, medical records of individuals and records of physicians providing service under contract to the prepaid limited health service organization are not subject to audit, but may be subject to subpoena by court order upon a showing of good cause. For the purpose of examinations, the department may administer oaths to and examine the officers and agents of a prepaid limited health service organization concerning its business and affairs. The expenses of examination of each prepaid limited health service organization by the department are subject to the same terms and conditions as apply to insurers under part II of chapter 624. Expenses of all examinations of a prepaid limited health service organization may never exceed a maximum of \$20,000 for any 1-year period.

Section 161. Subsection (1) of section 641.27, Florida Statutes, is amended to read:

641.27 Examination by the department.—

(1) The department shall examine the affairs, transactions, accounts, business records, and assets of any health maintenance organization as often as it deems it expedient for the protection of the people of this state, but not less frequently than once every 3 years. In lieu of making its own financial examination, the department may accept an independent certified public accountant's audit report prepared on a statutory accounting basis consistent with this part. However, except when the medical records are requested and copies furnished pursuant to s. ~~455.667~~ 455.241, medical records of individuals and records of physicians providing service under contract to the health maintenance organization shall not be subject to audit, although they may be subject to subpoena by court order upon a showing of good cause. For the purpose of examinations, the department

may administer oaths to and examine the officers and agents of a health maintenance organization concerning its business and affairs. The examination of each health maintenance organization by the department shall be subject to the same terms and conditions as apply to insurers under chapter 624. In no event shall expenses of all examinations exceed a maximum of \$20,000 for any 1-year period. Any rehabilitation, liquidation, conservation, or dissolution of a health maintenance organization shall be conducted under the supervision of the department, which shall have all power with respect thereto granted to it under the laws governing the rehabilitation, liquidation, reorganization, conservation, or dissolution of life insurance companies.

Section 162. Paragraph (b) of subsection (2) and subsection (5) of section 641.316, Florida Statutes, are amended to read:

641.316 Fiscal intermediary services.—

(2)

(b) The term “fiscal intermediary services organization” means a person or entity which performs fiduciary or fiscal intermediary services to health care professionals who contract with health maintenance organizations other than a fiscal intermediary services organization owned, operated, or controlled by a hospital licensed under chapter 395, an insurer licensed under chapter 624, a third-party administrator licensed under chapter 626, a prepaid limited health organization licensed under chapter 636, a health maintenance organization licensed under this chapter, or physician group practices as defined in s. 455.654(3)(f) ~~455.236(3)(f)~~.

(5) Any fiscal intermediary services organization, other than a fiscal intermediary services organization owned, operated, or controlled by a hospital licensed under chapter 395, an insurer licensed under chapter 624, a third-party administrator licensed under chapter 626, a prepaid limited health organization licensed under chapter 636, a health maintenance organization licensed under this chapter, or physician group practices as defined in s. 455.654(3)(f) ~~455.236(3)(f)~~, must register with the department and meet the requirements of this section. In order to register as a fiscal intermediary services organization, the organization must comply with ss. 641.21(1)(c) and (d) and 641.22(6). Should the department determine that the fiscal intermediary services organization does not meet the requirements of this section, the registration shall be denied. In the event that the registrant fails to maintain compliance with the provisions of this section, the department may revoke or suspend the registration. In lieu of revocation or suspension of the registration, the department may levy an administrative penalty in accordance with s. 641.25.

Section 163. Paragraphs (b) and (c) of subsection (5) and subsections (6) and (8) of section 641.55, Florida Statutes, are amended to read:

641.55 Internal risk management program.—

(5)

(b) The information reported to the agency under paragraph (a) which relates to providers licensed under chapter 458, chapter 459, chapter 461, or chapter 466 must also be reported to the agency quarterly. The agency shall review the information and determine whether any of the incidents potentially involved conduct by a licensee that is subject to disciplinary action, in which case s. 455.621 ~~455.225~~ applies.

(c) Except as otherwise provided in this subsection, any identifying information contained in the annual report and the quarterly reports under paragraphs (a) and (b) is confidential and exempt from s. 119.07(1). This information must not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency shall make available, upon written request by a practitioner against whom probable cause has been found, any such information contained in the records that form the basis of the determination of probable cause under s. 455.621 ~~455.225~~.

(6) If an adverse or untoward incident, whether occurring in the facilities of the organization or arising from health care prior to enrollment by the organization or admission to the facilities of the organization or in a facility of one of its providers, results in:

- (a) The death of a patient;
- (b) Severe brain or spinal damage to a patient;
- (c) A surgical procedure being performed on the wrong patient; or
- (d) A surgical procedure unrelated to the patient's diagnosis or medical needs being performed on any patient,

the organization must report this incident to the agency within 3 working days after its occurrence. A more detailed followup report must be submitted to the agency within 10 days after the first report. The agency may require an additional, final report. Reports under this subsection must be sent immediately by the agency to the appropriate regulatory board whenever they contain references to a provider licensed under chapter 458, chapter 459, chapter 461, or chapter 466. These reports are confidential and are exempt from s. 119.07(1). This information is not available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency shall make available, upon written request by a practitioner against whom probable cause has been found, any such information contained in the records that form the basis of the determination of probable cause under s. 455.621 ~~455.225~~. The agency may investigate, as it deems appropriate, any such incident and prescribe measures that must or may be taken by the organization in response to the incident. The agency shall review each incident and determine whether it potentially involved conduct by the licensee which is subject to disciplinary action, in which case s. 455.621 ~~455.225~~ applies.

(8) The agency and, upon subpoena issued under s. ~~455.611~~ 455.223, the appropriate regulatory board must be given access to all organization records necessary to carry out the provisions of this section. Any identifying information contained in the records obtained under this section is confidential and exempt from s. 119.07(1). The identifying information contained in records obtained under s. ~~455.611~~ 455.223 is exempt from s. 119.07(1) to the extent that it is part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency must make available, upon written request by a practitioner against whom probable cause has been found, any such information contained in the records that form the basis of the determination of probable cause under s. ~~455.621~~ 455.225, except that, with respect to medical review committee records, s. 766.101 controls.

The gross data compiled under this section or s. 395.0197 shall be furnished by the agency upon request to organizations to be utilized for risk management purposes. The agency shall adopt rules necessary to carry out the provisions of this section.

Section 164. Subsection (2) of section 766.106, Florida Statutes, is amended to read:

766.106 Notice before filing action for medical malpractice; presuit screening period; offers for admission of liability and for arbitration; informal discovery; review.—

(2) After completion of presuit investigation pursuant to s. 766.203 and prior to filing a claim for medical malpractice, a claimant shall notify each prospective defendant and, if any prospective defendant is a health care provider licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466, the Department of Health Business and Professional Regulation by certified mail, return receipt requested, of intent to initiate litigation for medical malpractice. Notice to the Department of Health Business and Professional Regulation must include the full name and address of the claimant; the full names and any known addresses of any health care providers licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who are prospective defendants identified at the time; the date and a summary of the occurrence giving rise to the claim; and a description of the injury to the claimant. The requirement for notice to the Department of Health Business and Professional Regulation does not impair the claimant's legal rights or ability to seek relief for his or her claim, and the notice provided to the department is not discoverable or admissible in any civil or administrative action. The Department of Health Business and Professional Regulation shall review each incident and determine whether it involved conduct by a licensee which is potentially subject to disciplinary action, in which case the provisions of s. ~~455.621~~ 455.225 apply.

Section 165. Subsection (4) of section 766.305, Florida Statutes, is amended to read:

766.305 Filing of claims and responses; medical disciplinary review.—

(4) Upon receipt of such petition, the Division of Medical Quality Assurance shall review the information therein and determine whether it involved conduct by a physician licensed under chapter 458 or an osteopathic physician licensed under chapter 459 that is subject to disciplinary action, in which case the provisions of s. 455.621 ~~455.225~~ shall apply.

Section 166. Subsection (2) of section 766.308, Florida Statutes, is amended to read:

766.308 Medical advisory panel review and recommendations; procedure.—

(2) The Department of Insurance shall develop a plan which provides the method and procedure for such medical advisory panel review and shall develop such plan in coordination with ~~the Division of Medical Quality Assurance of the Department of Health Business and Professional Regulation and the Children's Medical Services Program Office of the Department of Health and Rehabilitative Services.~~

Section 167. Paragraph (b) of subsection (4) of section 766.314, Florida Statutes, is amended to read:

766.314 Assessments; plan of operation.—

(4) The following persons and entities shall pay into the association an initial assessment in accordance with the plan of operation:

(b)1. On or before October 15, 1988, all physicians licensed pursuant to chapter 458 or chapter 459 as of October 1, 1988, other than participating physicians, shall be assessed an initial assessment of \$250, which must be paid no later than December 1, 1988.

2. Any such physician who becomes licensed after September 30, 1988, and before January 1, 1989, shall pay into the association an initial assessment of \$250 upon licensure.

3. Any such physician who becomes licensed on or after January 1, 1989, shall pay an initial assessment equal to the most recent assessment made pursuant to this paragraph, paragraph (5)(a), or paragraph (7)(b).

4. However, if the physician is a physician specified in this subparagraph, the assessment is not applicable:

a. A resident physician, assistant resident physician, or intern in an approved postgraduate training program, as defined by the Board of Medicine or the Board of Osteopathic Medicine by rule;

b. A retired physician who has withdrawn from the practice of medicine but who maintains an active license as evidenced by an affidavit filed with the Department of Health Business and Professional Regulation. Prior to reentering the practice of medicine in this state, a retired physician as herein defined must notify the Board of Medicine or the Board of Osteopathic Medicine and pay the appropriate assessments pursuant to this section;

- c. A physician who holds a limited license pursuant to s. 458.317 and who is not being compensated for medical services;
- d. A physician who is employed full time by the United States Department of Veterans Affairs and whose practice is confined to United States Department of Veterans Affairs hospitals; or
- e. A physician who is a member of the Armed Forces of the United States and who meets the requirements of s. 455.507 ~~455.02~~.
- f. A physician who is employed full time by the State of Florida and whose practice is confined to state-owned correctional institutions, a county health department, or state-owned mental health or developmental services facilities, or who is employed full time by the Department of Health.

Section 168. Paragraph (b) of subsection (3) of section 817.505, Florida Statutes, is amended to read:

817.505 Patient brokering prohibited; exceptions; penalties.—

(3) This section shall not apply to:

(b) Any payment, compensation, or financial arrangement within a group practice as defined in s. 455.654 ~~455.236~~, provided such payment, compensation, or arrangement is not to or from persons who are not members of the group practice.

Section 169. Section 937.031, Florida Statutes, is amended to read:

937.031 Dental records of missing persons; access and use.—When a person has been reported missing and has not been located within 30 days after such report, the law enforcement agency conducting the investigation of the missing person shall request the family or next of kin to provide written consent to contact the dentist of the missing person and request that person's dental records. Notwithstanding the provisions of s. 455.667 ~~455.241~~, a dentist, upon receipt of proof of written consent, shall release a copy of the dental records of the missing person to the law enforcement agency requesting such records, providing or encoding the dental records in a form requested by the Department of Law Enforcement. The law enforcement agency shall then enter the dental records into the criminal justice information system for the purpose of comparing such records to those of unidentified deceased persons.

Section 170. Paragraph (hh) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.—

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(hh) The Health Care Trust Fund established pursuant to s. 408.16 ~~455.2205~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 171. Subsection (3) of section 391.208, Florida Statutes, is amended to read:

391.208 Administrative fines; disposition of fees and fines.—

(3) Fees and fines received by the agency under this part shall be deposited in the Health Care Trust Fund created in s. 408.16 ~~455.2205~~.

Section 172. Section 391.217, Florida Statutes, is amended to read:

391.217 Disposition of moneys from fines and fees.—All moneys received from administrative fines pursuant to s. 391.208 and all moneys received from fees collected pursuant to s. 391.205 shall be deposited in the Health Care Trust Fund created in s. 408.16 ~~455.2205~~.

Section 173. Section 400.5575, Florida Statutes, is amended to read:

400.5575 Disposition of fees and administrative fines.—Fees and fines received by the agency under this part shall be deposited in the Health Care Trust Fund established pursuant to s. 408.16 ~~455.2205~~. These funds may be used to offset the costs of the licensure program, including the costs of conducting background investigations, verifying information submitted, and processing applications.

Section 174. Subsection (2) of section 408.20, Florida Statutes, is amended to read:

408.20 Assessments; Health Care Trust Fund.—

(2) All moneys collected are to be deposited into the Health Care Trust Fund created pursuant to s. 408.16 ~~455.2205~~. ~~The Health Care Trust Fund shall be subject to the service charge imposed pursuant to chapter 215.~~

Section 175. Paragraph (b) of subsection (5) of section 641.60, Florida Statutes, is amended to read:

641.60 Statewide Managed Care Ombudsman Committee.—

(5)

(b) Travel expenses for the statewide committee shall be funded from the Health Maintenance Organization Quality Care Trust Fund, created by s. 408.16 ~~641.57~~. The statewide committee may solicit grants, gifts, donations, bequests, or other payments including money, property, or services from any



governmental or public entity or private entity or person to fund other expenses of the committee and the district committees. Any such moneys received shall be deposited into a trust fund administered by the agency.

Section 176. Subsection (36) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter:

(36) “Neglect” occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person primarily responsible for the child’s welfare deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or guardian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent or guardian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician ~~podiatrist~~, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

Section 177. Paragraph (a) of subsection (1) of section 320.0848, Florida Statutes, is amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(1)(a) The Department of Highway Safety and Motor Vehicles or its authorized agents shall, upon application and receipt of the fee, issue a disabled parking permit for a period of up to 4 years that ends on the applicant’s birthday to any person who has long-term mobility problems, or a temporary disabled parking permit not to exceed 1 year to any person who has temporary mobility problems. The person must be currently certified by a physician licensed under chapter 458, chapter 459, or chapter 460, or by a podiatric physician ~~podiatrist~~ licensed under chapter 461, by the Division of Blind Services of the Department of Labor and Employment Security, or by the Adjudication Office of the United States Department of Veterans Affairs or its predecessor as being legally blind or as having any of the following disabilities that limit or impair his or her ability to walk:

1. Inability to walk 200 feet without stopping to rest.

2. Inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person. If the assistive device significantly restores the person's ability to walk to the extent that the person can walk without severe limitation, the person is not eligible for the exemption parking permit.

3. The need to permanently use a wheelchair.

4. Restriction by lung disease to the extent that the person's forced (respiratory) expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or the person's arterial oxygen is less than 60 mm/hg on room air at rest.

5. Use of portable oxygen.

6. Restriction by cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.

7. Severe limitation in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

Section 178. Paragraph (b) of subsection (2) of section 381.026, Florida Statutes, is amended to read:

381.026 Florida Patient's Bill of Rights and Responsibilities.—

(2) DEFINITIONS.—As used in this section, the term:

(b) "Health care provider" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, or a podiatric physician podiatrist licensed under chapter 461.

Section 179. Section 381.0261, Florida Statutes, is amended to read:

381.0261 Distribution of summary.—The Department of Health and Rehabilitative Services shall have printed and made continuously available to health care facilities licensed under chapter 395, physicians licensed under chapter 458, osteopathic physicians licensed under chapter 459, and podiatric physicians podiatrists licensed under chapter 461 a summary of the Florida Patient's Bill of Rights and Responsibilities. In adopting and making public the summary of the Florida Patient's Bill of Rights and Responsibilities, health care providers and health care facilities are not limited to the format in which the Department of Health and Rehabilitative Services prints and distributes the summary.

Section 180. Paragraph (b) of subsection (2) of section 381.0302, Florida Statutes, is amended to read:

381.0302 Florida Health Services Corps.—

(2) As used in this section, the term:

(b) "Florida Health Services Corps" means a program authorized by this section which:

1. Offers scholarships to allopathic, osteopathic, chiropractic, podiatric, dental, physician assistant, and nursing students, and loan repayment assistance and travel and relocation expenses to allopathic and osteopathic residents and physicians, chiropractors, podiatric physicians ~~podiatrists~~, nurse practitioners, dentists, and physician assistants, in return for service in a public health care program or in a medically underserved area.

2. Offers membership on a voluntary basis to physicians and other health care personnel who provide uncompensated care.

Section 181. Subsection (1) of section 395.0191, Florida Statutes, is amended to read:

395.0191 Staff membership and clinical privileges.—

(1) No licensed facility, in considering and acting upon an application for staff membership or clinical privileges, shall deny the application of a qualified doctor of medicine licensed under chapter 458, a doctor of osteopathic medicine licensed under chapter 459, a doctor of dentistry licensed under chapter 466, a doctor of podiatric medicine ~~podiatry~~ licensed under chapter 461, or a psychologist licensed under chapter 490 for such staff membership or clinical privileges within the scope of his or her respective licensure solely because the applicant is licensed under any of such chapters.

Section 182. Paragraph (g) of subsection (3) of section 395.1041, Florida Statutes, is amended to read:

395.1041 Access to emergency services and care.—

(3) EMERGENCY SERVICES; DISCRIMINATION; LIABILITY OF FACILITY OR HEALTH CARE PERSONNEL.—

(g) Neither the hospital nor its employees, nor any physician, dentist, or podiatric physician ~~podiatrist~~ shall be liable in any action arising out of a refusal to render emergency services or care if the refusal is made after screening, examining, and evaluating the patient, and is based on the determination, exercising reasonable care, that the person is not suffering from an emergency medical condition or a determination, exercising reasonable care, that the hospital does not have the service capability or is at service capacity to render those services.

Section 183. Subsection (6) of section 395.301, Florida Statutes, is amended to read:

395.301 Itemized patient bill; form and content prescribed by the agency.—

(6) No physician, dentist, podiatric physician ~~podiatrist~~, or licensed facility may add to the price charged by any third party except for a service or handling charge representing a cost actually incurred as an item of expense; however, the physician, dentist, podiatric physician ~~podiatrist~~, or licensed facility is entitled to fair compensation for all professional services rendered. The amount of the service or handling charge, if any, shall be set forth clearly in the bill to the patient.

Section 184. Paragraph (b) of subsection (5) of section 404.22, Florida Statutes, is amended to read:

404.22 Radiation machines and components; inspection.—

(5)

(b) The fee schedule and frequency of inspections shall be determined as follows:

1. Radiation machines which are used in the practice of medicine, chiropractic medicine, osteopathic medicine, or naturopathic medicine shall be inspected at least once every 2 years, but not more than annually, for an annual fee which is not less than \$83 or more than \$145 for the first radiation machine within an office or facility and not less than \$36 or more than \$85 for each additional radiation machine therein.

2. Radiation machines which are used in the practice of veterinary medicine shall be inspected at least once every 3 years for an annual fee which is not less than \$28 or more than \$50 for the first radiation machine within an office or facility and not less than \$19 or more than \$34 for each additional radiation machine therein.

3. Radiation machines which are used for educational or industrial purposes shall be inspected at least once every 3 years for an annual fee which is not less than \$26 or more than \$47 for the first radiation machine within an office or facility and not less than \$12 or more than \$23 for each additional radiation machine therein.

4. Radiation machines which are used in the practice of dentistry or podiatric medicine ~~podiatry~~ shall be inspected at least once every 5 years but not more often than once every 4 years for an annual fee which is not less than \$16 or more than \$31 for the first radiation machine within an office or facility and not less than \$5 or more than \$11 for each additional radiation machine therein.

5. Radiation machines which accelerate particles and are used in the healing arts shall be inspected at least annually for an annual fee which is not less than \$153 or more than \$258 for the first radiation machine within an office or facility and not less than \$87 or more than \$148 for each additional radiation machine therein.

6. Radiation machines which accelerate particles and are used for educational or industrial purposes shall be inspected at least once every 2 years for an annual fee which is not less than \$46 or more than \$81 for the first radiation machine within an office or facility and not less than \$26 or more than \$48 for each additional radiation machine therein.

7. If a radiation machine fails to meet the applicable standards upon initial inspection, the department may reinspect the radiation machine and charge a reinspection fee in accordance with the same schedule of fees as in subparagraphs 1. through 6.

Section 185. Subsection (18) of section 409.906, Florida Statutes, is amended to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Optional services may include:

(18) **PODIATRIC SERVICES.**—The agency may pay for services, including diagnosis and medical, surgical, palliative, and mechanical treatment, related to ailments of the human foot and lower leg, if provided to a recipient by a podiatric physician ~~podiatrist~~ licensed under state law.

Section 186. Subsection (14) of section 415.503, Florida Statutes, is amended to read:

415.503 Definitions of terms used in ss. 415.502-415.514.—As used in ss. 415.502-415.514:

(14) “Physician” means any licensed physician, dentist, podiatric physician ~~podiatrist~~, or optometrist and includes any intern or resident.

Section 187. Subsection (2) of section 440.106, Florida Statutes, is amended to read:

440.106 Civil remedies; administrative penalties.—

(2) Whenever a physician, osteopathic physician, chiropractor, podiatric physician ~~podiatrist~~, or other practitioner is determined to have violated s. 440.105, the Board of Medicine as set forth in chapter 458, the Board of Osteopathic Medicine as set forth in chapter 459, the Board of Chiropractic as set forth in chapter 460, the Board of Podiatric Medicine as set forth in chapter 461, or other appropriate licensing authority, shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, osteopathic physician, chiropractor, or other practitioner.

Section 188. Paragraph (r) of subsection (1) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(1) **DEFINITIONS.**—As used in this section, the term:

(r) "Physician" or "doctor" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a chiropractor licensed under chapter 460, a podiatric physician ~~podiatrist~~ licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, each of whom must be certified by the division as a health care provider.

Section 189. Paragraph (k) of subsection (1) of section 440.134, Florida Statutes, is amended to read:

440.134 Workers' compensation managed care arrangement.—

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

(k) "Primary care provider" means, except in the case of emergency treatment, the initial treating physician and, when appropriate, continuing treating physician, who may be a family practitioner, general practitioner, or internist physician licensed under chapter 458; a family practitioner, general practitioner, or internist osteopathic physician licensed under chapter 459; a chiropractor licensed under chapter 460; a podiatric physician ~~podiatrist~~ licensed under chapter 461; an optometrist licensed under chapter 463; or a dentist licensed under chapter 466.

Section 190. Paragraph (a) of subsection (3) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the division, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association's Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971, 1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990,

pending the adoption by division rule of a uniform disability rating schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of osteopathic medicine licensed under chapters 458 and 459, a chiropractor licensed under chapter 460, a podiatric physician podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at the rate of 50 percent of the employee's average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The certifying doctor shall issue a written report to the division, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the division. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

Section 191. Section 455.684, Florida Statutes, is amended to read:

455.684 Chiropractic and podiatric health care; denial of payment; limitation.—A chiropractic physician licensed under chapter 460 or a podiatric

physician podiatrist licensed under chapter 461 shall not be denied payment for treatment rendered solely on the basis that the chiropractor or podiatric physician podiatrist is not a member of a particular preferred provider organization or exclusive provider organization which is composed only of physicians licensed under the same chapter.

Section 192. Paragraph (a) of subsection (1) of section 455.691, Florida Statutes, is amended to read:

455.691 Treatment of Medicare beneficiaries; refusal, emergencies, consulting physicians.—

(1) Effective as of January 1, 1993, as used in this section, the term:

(a) “Physician” means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a chiropractor licensed under chapter 460, a podiatric physician podiatrist licensed under chapter 461, or an optometrist licensed under chapter 463.

Section 193. Subsection (1) of section 455.697, Florida Statutes, is amended to read:

455.697 Health care practitioners; reports on professional liability claims and actions.—

(1) Any practitioner of medicine licensed pursuant to the provisions of chapter 458, practitioner of osteopathic medicine licensed pursuant to the provisions of chapter 459, podiatric physician podiatrist licensed pursuant to the provisions of chapter 461, or dentist licensed pursuant to the provisions of chapter 466 shall report to the department any claim or action for damages for personal injury alleged to have been caused by error, omission, or negligence in the performance of such licensee’s professional services or based on a claimed performance of professional services without consent if the claim was not covered by an insurer required to report under s. 627.912 and the claim resulted in:

- (a) A final judgment in any amount.
- (b) A settlement in any amount.
- (c) A final disposition not resulting in payment on behalf of the licensee.

Reports shall be filed with the department no later than 60 days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c).

Section 194. Subsection (2) of section 455.698, Florida Statutes, is amended to read:

455.698 Reports of professional liability actions; bankruptcies; Department of Health’s responsibility to provide.—

(2) Any information in the possession of the Department of Health which relates to a bankruptcy proceeding by a practitioner of medicine licensed



under chapter 458, a practitioner of osteopathic medicine licensed under chapter 459, a podiatric physician ~~podiatrist~~ licensed under chapter 461, or a dentist licensed under chapter 466 is public information. The Department of Health shall, upon request, make such information available to any person.

Section 195. Subsection (2) of section 456.31, Florida Statutes, is amended to read:

456.31 Legislative intent.—

(2) It is the intent of the Legislature to provide for certain practitioners of the healing arts, such as a trained and qualified dentist, to use hypnosis for hypnoanesthesia or for the allaying of anxiety in relation to dental work; however, under no circumstances shall it be legal or proper for the dentist or the individual to whom the dentist may refer the patient, to use hypnosis for the treatment of the neurotic difficulties of a patient. The same applies to the optometrist, podiatric physician ~~podiatrist~~, chiropractor, osteopathic physician, or physician of medicine.

Section 196. Subsections (2) and (3) of section 456.32, Florida Statutes, are amended to read:

456.32 Definitions.—In construing this chapter, the words, phrases, or terms, unless the context otherwise indicates, shall have the following meanings:

(2) “Healing arts” shall mean the practice of medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic, naturopathy, podiatric medicine ~~podiatry~~, chiropody, psychology, clinical social work, marriage and family therapy, mental health counseling, and optometry.

(3) “Practitioner of the healing arts” shall mean a person licensed under the laws of the state to practice medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic, naturopathy, podiatric medicine ~~podiatry~~, chiropody, psychology, clinical social work, marriage and family therapy, mental health counseling, or optometry within the scope of his or her professional training and competence and within the purview of the statutes applicable to his or her respective profession, and who may refer a patient for treatment by a qualified person, who shall employ hypnotic techniques under the supervision, direction, prescription, and responsibility of such referring practitioner.

Section 197. Chapter 461, Florida Statutes, entitled “Podiatry,” is retitled “Podiatric Medicine.”

Section 198. Section 461.001, Florida Statutes, is amended to read:

461.001 Legislative findings; intent; scope.—The Legislature finds that the practice of podiatric medicine by unskilled and incompetent practitioners presents a danger to the public health and safety. The Legislature finds further that it is difficult for the public to make an informed choice about podiatric physicians ~~podiatrists~~ and that the consequences of a wrong choice

could seriously endanger their health and safety. The sole legislative purpose for enacting this chapter is to ensure that every podiatric physician ~~podiatrist~~ practicing in this state meet minimum requirements for safe practice. It is the legislative intent that podiatric physicians ~~podiatrists~~ who fall below minimum competency or who otherwise present a danger to the public health be prohibited from practicing in this state.

Section 199. Subsection (3) of section 461.002, Florida Statutes, is amended to read:

461.002 Exceptions.—

(3) This chapter shall not apply to the practice of podiatric medicine by graduate podiatric physicians ~~podiatrists~~ in the United States Army, Air Force, Marines, Navy, Public Health Service, Coast Guard, or United States Department of Veterans Affairs in the discharge of their official duties.

Section 200. Subsections (3) and (4) of section 461.003, Florida Statutes, are amended to read:

461.003 Definitions.—As used in this chapter:

(3) “Practice of podiatric medicine” means the diagnosis or medical, surgical, palliative, and mechanical treatment of ailments of the human foot and leg. The surgical treatment of ailments of the human foot and leg shall be limited anatomically to that part below the anterior tibial tubercle. The practice of podiatric medicine shall include the amputation of the toes or other parts of the foot but shall not include the amputation of the foot or leg in its entirety. A podiatric physician ~~podiatrist~~ may prescribe drugs that relate specifically to the scope of practice authorized herein.

(4) “Podiatric physician ~~Podiatrist~~” means any person licensed to practice podiatric medicine pursuant to this chapter.

Section 201. Subsections (2) and (4) of section 461.004, Florida Statutes, are amended to read:

461.004 Board of Podiatric Medicine; membership; appointment; terms.—

(2) Five members of the board must be licensed podiatric physicians ~~podiatrists~~ who are residents of the state and who have been licensed podiatric physicians ~~podiatrists~~ engaged in the practice of podiatric medicine for at least 4 years. The remaining two members must be residents of the state who are not, and have never been, licensed as podiatric physicians ~~podiatrists~~ or members of any closely related profession. At least one member of the board must be 60 years of age or older.

(4) All provisions of chapter 455 relating to the board shall apply. However, notwithstanding the requirement of s. 455.225(4) that the board provide by rule for the determination of probable cause by a panel composed of its members or by the department, the board may provide by rule that its probable cause panel may be composed of one current member of the board

and one past member of the board, as long as the past member is a licensed podiatric physician ~~podiatrist~~ in good standing. The past board member must be appointed to the panel by the chair of the board with the approval of the secretary for a maximum of 2 years.

Section 202. Subsection (1) of section 461.006, Florida Statutes, is amended to read:

461.006 Licensure by examination.—

(1) Any person desiring to be licensed as a podiatric physician ~~podiatrist~~ shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies:

(a) Has completed the application form and remitted a nonrefundable application fee set by the board not to exceed \$100 and an examination fee set by the board not to exceed \$350.

(b) Is at least 18 years of age.

(c) Has received a degree from a school or college of podiatric medicine or chiropody recognized and approved by the Council on Podiatry Education of the American Podiatric Medical Association. For applicants who matriculated prior to 1953, the course of study shall have been at least 3 years. For applicants who matriculated during or subsequent to 1953, the course of study shall be at least 4 years or the total hourly equivalent of a 4-year course of study.

(d) Beginning October 1, 1995, has satisfactorily completed one of the following clinical experience requirements:

1. One year of residency in a residency program approved by the board.

2. Ten years of continuous, active licensed practice of podiatric medicine in another state immediately preceding the submission of the application and completion of at least the same continuing educational requirements during those 10 years as are required of podiatric physicians ~~podiatrists~~ licensed in this state.

(e) Has submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

Section 203. Section 461.009, Florida Statutes, is amended to read:

461.009 Itemized patient billing.—Whenever a podiatric physician ~~podiatrist~~ licensed under this chapter renders professional services to a patient, the podiatric physician ~~podiatrist~~ is required, upon request, to submit to the patient, to the patient's insurer, or to the administrative agency for any federal or state health program under which the patient is entitled to benefits, an itemized statement of the specific services rendered and the charge for each, no later than the podiatric physician's ~~podiatrist's~~ next regular

billing cycle which follows the fifth day after rendering of professional services. A podiatric physician ~~podiatrist~~ may not condition the furnishing of an itemized statement upon prior payment of the bill.

Section 204. Paragraphs (a) and (c) of subsection (2) of section 461.012, Florida Statutes, are amended to read:

461.012 Violations and penalties.—

(2) Each of the following acts constitutes a violation of this chapter and is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(a) Selling or fraudulently obtaining or furnishing any podiatric medicine ~~podiatry~~ diploma, license, or record of registration or aiding or abetting in the same.

(c) Using the name or title “Podiatrist,” “Doctor of Podiatry,” or “Doctor of Podiatric Medicine” or using the phrase “foot clinic,” “foot doctor,” “quiropedista,” or any other name, title, or phrase which would lead the public to believe that such person is engaging in the practice of podiatric medicine unless such person is licensed as a podiatric physician ~~podiatrist~~ in this state.

Section 205. Paragraphs (h), (i), (o), (p), (r), (s), and (aa) of subsection (1), paragraph (f) of subsection (2), and subsections (3), (5), and (6) of section 461.013, Florida Statutes, are amended to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

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

(h) Failing to perform any statutory or legal obligation placed upon a licensed podiatric physician ~~podiatrist~~.

(i) Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to do so. Such report or records shall include only those which are signed in the capacity of a licensed podiatric physician ~~podiatrist~~.

(o) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the podiatric physician's ~~podiatrist's~~ professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the podiatric physician's ~~podiatrist's~~ professional practice, without regard to her or his intent.

(p) Prescribing, dispensing, or administering any medicinal drug appearing on any schedule set forth in chapter 893 by the podiatric physician ~~podiatrist~~ to herself or himself except those prescribed, dispensed, or administered to the podiatric physician ~~podiatrist~~ by another practitioner authorized to prescribe, dispense, or administer them.

(r) Being unable to practice podiatric medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph the department shall, upon probable cause, have authority to compel a podiatric physician ~~podiatrist~~ to submit to a mental or physical examination by physicians designated by the department. Failure of a podiatric physician ~~podiatrist~~ to submit to such examination when directed shall constitute an admission of the allegations against her or him, unless the failure was due to circumstances beyond her or his control, consequent upon which a default and final order may be entered without the taking of testimony or presentation of evidence. A podiatric physician ~~podiatrist~~ affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of podiatric medicine with reasonable skill and safety to patients.

(s) Gross or repeated malpractice or the failure to practice podiatric medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent podiatric physician ~~podiatrist~~ as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 766.102 in interpreting this section. As used in this paragraph, "repeated malpractice" includes, but is not limited to, three or more claims for medical malpractice within the previous 5-year period resulting in indemnities being paid in excess of \$10,000 each to the claimant in a judgment or settlement and which incidents involved negligent conduct by the podiatric physicians ~~podiatrists~~. As used in this paragraph, "gross malpractice" or "the failure to practice podiatric medicine ~~podiatry~~ with the level of care, skill, and treatment which is recognized by a reasonably prudent similar podiatric physician ~~podiatrist~~ as being acceptable under similar conditions and circumstances" shall not be construed so as to require more than one instance, event, or act.

(aa) Failing to report to the department any licensee under chapter 458 or chapter 459 who the podiatric physician ~~podiatrist~~ knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395, or a health maintenance organization certificated under part I of chapter 641, in which the podiatric physician ~~podiatrist~~ also provides services.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:

(f) Placing the podiatric physician ~~podiatrist~~ on probation for a period of time and subject to such conditions as the board may specify, including

requiring the podiatric physician ~~podiatrist~~ to submit to treatment, to attend continuing education courses, to submit to reexamination, and to work under the supervision of another podiatric physician ~~podiatrist~~.

(3) The department shall not reinstate the license of a podiatric physician ~~podiatrist~~, or cause a license to be issued to a person the board has deemed unqualified, until such time as the board is satisfied that she or he has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of podiatric medicine.

(5)(a) Upon the department's receipt from an insurer or self-insurer of a report of a closed claim against a podiatric physician ~~podiatrist~~ pursuant to s. 627.912, or upon the receipt from a claimant of a presuit notice against a podiatric physician ~~podiatrist~~ pursuant to s. 766.106, the department shall review each report and determine whether it potentially involved conduct by a licensee that is subject to disciplinary action, in which case the provisions of s. 455.225 shall apply. However, if it is reported that a podiatric physician ~~podiatrist~~ has had three or more claims with indemnities exceeding \$25,000 each within the previous 5-year period, the department shall investigate the occurrences upon which the claims were based and determine if action by the department against the podiatric physician ~~podiatrist~~ is warranted.

(b) Upon the department's receipt from the Department of Health and Rehabilitative Services pursuant to s. 395.0197 of the name of the podiatric physician ~~podiatrist~~ whose conduct may constitute grounds for disciplinary action by the department, the department shall investigate the occurrences upon which the report was based and determine if action by the department against the podiatric physician ~~podiatrist~~ is warranted.

(6) When an investigation of a podiatric physician ~~podiatrist~~ is undertaken, the department shall promptly furnish to the podiatric physician ~~podiatrist~~ or her or his attorney a copy of the complaint or document which resulted in the initiation of the investigation. The podiatric physician ~~podiatrist~~ may submit a written response to the information contained in such complaint or document within 45 days after service to the podiatric physician ~~podiatrist~~ of the complaint or document. The podiatric physician's ~~podiatrist's~~ written response shall be considered by the probable cause panel.

Section 206. Section 461.0134, Florida Statutes, is amended to read:

461.0134 Prescription or administration of dimethyl sulfoxide (DMSO); written release and information requirements.—

(1) A podiatric physician ~~No podiatrist~~ licensed under this chapter may not ~~shall~~ be subject to disciplinary action by the board for prescribing or administering dimethyl sulfoxide (DMSO) to a patient under the podiatric physician's ~~podiatrist's~~ care who has requested the substance as long as the podiatric physician ~~podiatrist~~ complies with the requirements of this section.

(2) The patient, after being fully informed as to alternative methods of treatment and their potential for cure and upon request for the administration of dimethyl sulfoxide (DMSO) by the patient's podiatric physician ~~podiatrist~~, shall sign a written release, releasing the podiatric physician ~~podiatrist~~ and, when applicable, the hospital or health facility from any liability therefor.

(3) The podiatric physician ~~podiatrist~~ shall inform the patient in writing if dimethyl sulfoxide (DMSO) has not been approved as a treatment or cure by the Food and Drug Administration of the United States Department of Health and Human Services for the disorder for which it is being prescribed.

Section 207. Subsection (2) of section 461.014, Florida Statutes, is amended to read:

461.014 Residency.—The board shall encourage and develop podiatric residency programs in hospitals in this state and shall establish such programs by the promulgation of rules, subject to the following conditions:

(2) A residency program may be established only at a hospital where a duly licensed podiatric physician ~~podiatrist~~ is on the hospital staff or is otherwise in a supervisory position.

Section 208. Subsection (2) of section 461.015, Florida Statutes, is amended to read:

461.015 Saving clauses.—

(2) Each podiatric physician ~~podiatrist~~ who is duly licensed on June 30, 1979, shall be entitled to hold such license. Henceforth, such license shall be renewed in accordance with the provisions of this act.

Section 209. Section 461.018, Florida Statutes, is amended to read:

461.018 Limited scope of practice; area of need.—Those persons holding valid certificates on October 1, 1991, who were certified pursuant to chapters 88-205 and 88-392, Laws of Florida, and who have been practicing under a board-approved protocol for at least 2 years are eligible to receive a podiatry license to practice podiatric medicine without supervision under their present limited scope of practice of the nonsurgical treatment of corns, calluses, and ingrown toenails in a specially designated area of need as provided by rule of the board.

Section 210. Paragraph (b) of subsection (3) of section 464.003, Florida Statutes, is amended to read:

464.003 Definitions.—As used in this chapter:

(3)

(b) "Practice of practical nursing" means the performance of selected acts, including the administration of treatments and medications, in the care of the ill, injured, or infirm and the promotion of wellness, maintenance

of health, and prevention of illness of others under the direction of a registered nurse, a licensed physician, a licensed osteopathic physician, a licensed podiatric physician ~~podiatrist~~, or a licensed dentist.

The professional nurse and the practical nurse shall be responsible and accountable for making decisions that are based upon the individual's educational preparation and experience in nursing.

Section 211. Subsections (2), (6), (8), and (10) of section 468.301, Florida Statutes, are amended to read:

468.301 Definitions.—As used in this part, the term:

(2) “Basic X-ray machine operator-podiatric medicine ~~operator-podiatry~~” means a person who is employed by and under the direct supervision of a licensed podiatric physician ~~podiatrist~~ to perform only those radiographic functions that are within the scope of practice of a podiatric physician ~~podiatrist~~ licensed pursuant to chapter 461, specifically excluding nuclear medicine and radiation therapy procedures.

(6) “Direct supervision” means supervision and control by a licensed practitioner who assumes legal liability for the services rendered by the basic X-ray machine operator or basic X-ray machine operator-podiatric medicine ~~operator-podiatry~~, which supervision requires the physical presence of the licensed practitioner for consultation and direction of the actions of the basic X-ray machine operator or basic X-ray machine operator-podiatric medicine ~~operator-podiatry~~.

(8) “General radiographer” means a person who is employed and certified in radiography, other than a basic X-ray machine operator or basic X-ray machine operator-podiatric medicine ~~operator-podiatry~~.

(10) “Licensed practitioner” means a person who is licensed or otherwise authorized by law to practice medicine, podiatric medicine ~~podiatry~~, chiroprody, osteopathic medicine, naturopathy, or chiropractic in this state.

Section 212. Paragraph (b) of subsection (2), paragraphs (b) and (c) of subsection (3), and paragraph (a) of subsection (6) of section 468.302, Florida Statutes, are amended to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(2)

(b) A person holding a certificate as a basic X-ray machine operator-podiatric medicine ~~operator-podiatry~~ may use the title “Basic X-ray Machine Operator-Podiatric Medicine Operator-Podiatry.”

No other person is entitled to so use a title or letters contained in this subsection or to hold himself or herself out in any way, whether orally or in writing, expressly or by implication, as being so certified.



(3)

(b) A basic X-ray machine operator or basic X-ray machine ~~operator-podiatric medicine operator-podiatry~~ may not practice radiologic technology in walk-in emergency centers, freestanding breast clinics, freestanding cancer clinics, state mental hospitals, state correctional institutions, or in any facility regulated under chapter 390, chapter 392, chapter 393, chapter 394, or chapter 641. For a facility licensed under chapter 395, a basic X-ray machine operator may only perform the procedures specified in paragraph (a) in a hospital with a capacity of 150 beds or less. If such a hospital has or acquires radiographic or fluoroscopic equipment other than general diagnostic radiographic and general fluoroscopic equipment, that hospital shall keep a record documenting which personnel performed each radiographic or fluoroscopic procedure. For purposes of this paragraph, a walk-in emergency center shall not include a physician-operated walk-in clinic which operates with or without appointments and with extended hours and which does not hold itself out to the public as an emergency center.

(c) A person holding a certificate as a basic X-ray machine ~~operator-podiatric medicine operator-podiatry~~ may perform only podiatric radiographic procedures under the direct supervision and control of a licensed ~~podiatric physician podiatrist~~.

(6) Requirement for certification does not apply to:

(a) A hospital resident who is not a licensed practitioner in this state or a student enrolled in and attending a school or college of medicine, osteopathic medicine, chiropody, ~~podiatric medicine podiatry~~, or chiropractic or a radiologic technology educational program and who applies radiation to a human being while under the direct supervision of a licensed practitioner.

Section 213. Paragraph (b) of subsection (4) of section 468.304, Florida Statutes, is amended to read:

468.304 Certification examination; admission.—The department shall admit to examination for certification any applicant who pays to the department a nonrefundable fee not to exceed \$100 and submits satisfactory evidence, verified by oath or affirmation, that she or he:

(4)

(b)1. With respect to an applicant for a basic X-ray machine operator's certificate, has completed a course of study approved by the department with appropriate study material provided the applicant by the department;

2. With respect to an applicant for a basic X-ray machine ~~operator-podiatric medicine operator-podiatry~~ certificate, has completed a course of study approved by the department, provided that such course of study shall be limited to that information necessary to perform radiographic procedures within the scope of practice of a ~~podiatric physician podiatrist~~ licensed pursuant to chapter 461;

3. With respect only to an applicant for a general radiographer's certificate who is a basic X-ray machine operator certificateholder, has completed

an educational program or a 2-year training program that takes into account the types of procedures and level of supervision usually and customarily practiced in a hospital, which educational or training program complies with the rules of the department; or

4. With respect only to an applicant for a nuclear medicine technologist's certificate who is a general radiographer certificateholder, has completed an educational program or a 2-year training program that takes into account the types of procedures and level of supervision usually and customarily practiced in a hospital, which educational or training program complies with the rules of the department.

No application for a limited computed tomography certificate shall be accepted. All persons holding valid computed tomography certificates as of October 1, 1984, are subject to the provisions of s. 468.309.

Section 214. Paragraph (a) of subsection (2) of section 468.307, Florida Statutes, is amended to read:

468.307 Certificate; issuance; possession; display.—

(2)(a) The department may, at its discretion, issue a temporary certificate to:

1. An applicant who has completed an educational program and is awaiting examination for a certificate specified in s. 468.302(2)(b), (c), (e), or (f), if the applicant has met all other requirements established pursuant to s. 468.304.

2. A basic X-ray machine operator, if such person is under the direct supervision of a licensed practitioner and the licensed practitioner has not requested issuance of a temporary certificate within the previous 18 months, upon application by a licensed practitioner who is practicing in an office of five or fewer licensed practitioners.

3. A basic X-ray machine ~~operator-podiatric medicine operator-podiatry,~~ if such person is under the direct supervision of a licensed ~~podiatric physician podiatrist~~ and the licensed ~~podiatric physician podiatrist~~ has not requested issuance of a temporary certificate within the previous 18 months, upon application by a licensed ~~podiatric physician podiatrist~~ who is practicing in an office of five or fewer licensed ~~podiatric physicians podiatrists~~.

Section 215. Paragraph (k) of subsection (2) of section 468.314, Florida Statutes, is amended to read:

468.314 Advisory Council on Radiation Protection; appointment; terms; powers; duties.—

(2) The council shall be comprised of:

(k) A board-certified ~~podiatric physician podiatrist~~.

Section 216. Section 476.044, Florida Statutes, is amended to read:

476.044 Exemptions.—This chapter does not apply to the following persons when practicing pursuant to their professional responsibilities and duties:

- (1) Persons authorized under the laws of this state to practice medicine, surgery, osteopathic medicine, chiropractic, naturopathy, or podiatric medicine podiatry;
- (2) Commissioned medical or surgical officers of the United States Armed Forces hospital service;
- (3) Licensed nurses under the laws of this state;
- (4) Persons practicing cosmetology under the laws of this state;
- (5) Persons employed in federal, state, or local institutions, hospitals, or military bases as barbers whose practice is limited to the inmates, patients, or authorized military personnel of such institutions, hospitals, or bases;
- (6) Persons who practice only shampooing as defined in s. 477.013 and whose practice is limited to the acts described therein; or
- (7) Persons whose occupation or practice is confined solely to cutting, trimming, polishing, or cleansing the fingernails of any person when said cutting, trimming, polishing, or cleansing is done in a barbershop licensed pursuant to this chapter which is carrying on a regular and customary business of barbering, and such individual has been practicing the activities set forth in this subsection prior to October 1, 1985.

Section 217. Paragraph (a) of subsection (1) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(1) This chapter does not apply to the following persons when practicing pursuant to their professional or occupational responsibilities and duties:

- (a) Persons authorized under the laws of this state to practice medicine, surgery, osteopathic medicine, chiropractic, massage, naturopathy, or podiatric medicine podiatry.

Section 218. Paragraph (i) of subsection (3) of section 483.901, Florida Statutes, is amended to read:

483.901 Medical physicists; definitions; licensure.—

(3) DEFINITIONS.—As used in this section, the term:

- (i) “Physician” means a doctor of medicine, osteopathic medicine, podiatric medicine podiatry, dentistry, or chiropractic who is licensed in this state and who prescribes a radiological procedure.

Section 219. Subsection (1) of section 486.161, Florida Statutes, is amended to read:

## 486.161 Exemptions.—

(1) No provision of this chapter shall be construed to prohibit any person licensed in this state from using any physical agent as a part of, or incidental to, the lawful practice of her or his profession under the statutes applicable to the profession of chiropractor, podiatric physician ~~podiatrist~~, doctor of medicine, massage therapist, nurse, osteopathic physician or surgeon, occupational therapist, or naturopath.

Section 220. Subsection (1) of section 621.03, Florida Statutes, is amended to read:

621.03 Definitions.—As used in this act the following words shall have the meaning indicated:

(1) The term “professional service” means any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example and without limiting the generality thereof, the personal services which come within the provisions of this act are the personal services rendered by certified public accountants, public accountants, chiropractors, dentists, osteopathic physicians, physicians and surgeons, doctors of medicine, doctors of dentistry, podiatric physicians ~~podiatrists~~, chiropodists, architects, veterinarians, attorneys at law, and life insurance agents.

Section 221. Paragraph (h) of subsection (4) of section 627.351, Florida Statutes, is amended to read:

## 627.351 Insurance risk apportionment plans.—

## (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

## (h) As used in this subsection:

1. “Health care provider” means hospitals licensed under chapter 395; physicians licensed under chapter 458; osteopathic physicians licensed under chapter 459; podiatric physicians ~~podiatrists~~ licensed under chapter 461; dentists licensed under chapter 466; chiropractors licensed under chapter 460; naturopaths licensed under chapter 462; nurses licensed under chapter 464; midwives licensed under chapter 467; clinical laboratories registered under chapter 483; physician assistants certified under chapter 458; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certificated under part I of chapter 641; ambulatory surgical centers licensed under chapter 395; other medical facilities as defined in subparagraph 2.; blood banks, plasma centers, industrial clinics, and renal dialysis facilities; or professional associations, partnerships, corporations, joint ventures, or other associations for professional activity by health care providers.

2. “Other medical facility” means a facility the primary purpose of which is to provide human medical diagnostic services or a facility providing non-surgical human medical treatment, to which facility the patient is admitted and from which facility the patient is discharged within the same working

day, and which facility is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an “other medical facility.”

3. “Health care facility” means any hospital licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, ambulatory surgical center licensed under chapter 395, or other medical facility as defined in subparagraph 2.

Section 222. Paragraph (b) of subsection (1) of section 627.357, Florida Statutes, is amended to read:

627.357 Medical malpractice self-insurance.—

(1) DEFINITIONS.—As used in this section, the term:

(b) “Health care provider” means any:

1. Hospital licensed under chapter 395.
2. Physician licensed, or physician assistant certified, under chapter 458.
3. Osteopathic physician licensed under chapter 459.
4. Podiatric physician ~~Podiatrist~~ licensed under chapter 461.
5. Health maintenance organization certificated under part I of chapter 641.
6. Ambulatory surgical center licensed under chapter 395.
7. Chiropractor licensed under chapter 460.
8. Psychologist licensed under chapter 490.
9. Optometrist licensed under chapter 463.
10. Dentist licensed under chapter 466.
11. Pharmacist licensed under chapter 465.
12. Registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under chapter 464.
13. Other medical facility.
14. Professional association, partnership, corporation, joint venture, or other association established by the individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9., 10., 11., and 12. for professional activity.

Section 223. Subsection (3) of section 627.419, Florida Statutes, is amended to read:

627.419 Construction of policies.—

(3) Notwithstanding any other provision of law, when any health insurance policy, health care services plan, or other contract provides for the payment for procedures specified in the policy or contract which are within the scope of an optometrist's or podiatric physician's ~~podiatrist's~~ professional license, such policy shall be construed to include payment to an optometrist or podiatric physician ~~podiatrist~~ who performs such procedures. In the case of podiatric ~~podiatry~~ services, such payments shall be made in accordance with the coverage now provided for medical and surgical benefits.

Section 224. Subsection (10) of section 627.6482, Florida Statutes, is amended to read:

627.6482 Definitions.—As used in ss. 627.648-627.6498, the term:

(10) "Physician" means a physician licensed under chapter 458; an osteopathic physician licensed under chapter 459; a chiropractor licensed under chapter 460; a podiatric physician ~~podiatrist~~ licensed under chapter 461; or, for purposes of oral surgery only, a dental surgeon licensed under chapter 466.

Section 225. Subsection (1) of section 627.912, Florida Statutes, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.—

(1) Each self-insurer authorized under s. 627.357 and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed under chapter 458, to a practitioner of osteopathic medicine licensed under chapter 459, to a podiatric physician ~~podiatrist~~ licensed under chapter 461, to a dentist licensed under chapter 466, to a hospital licensed under chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part I of chapter 641, to clinics included in chapter 390, to an ambulatory surgical center as defined in s. 395.002, or to a member of The Florida Bar shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent, if the claim resulted in:

- (a) A final judgment in any amount.
- (b) A settlement in any amount.
- (c) A final disposition not resulting in payment on behalf of the insured.

Reports shall be filed with the department and, if the insured party is licensed under chapter 458, chapter 459, chapter 461, or chapter 466, with the Agency for Health Care Administration, no later than 30 days following the occurrence of any event listed in paragraph (a), paragraph (b), or paragraph (c). The Agency for Health Care Administration shall review each report and determine whether any of the incidents that resulted in the claim potentially involved conduct by the licensee that is subject to disciplinary

action, in which case the provisions of s. 455.225 shall apply. The Agency for Health Care Administration, as part of the annual report required by s. 455.2285, shall publish annual statistics, without identifying licensees, on the reports it receives, including final action taken on such reports by the agency or the appropriate regulatory board.

Section 226. Subsection (3) of section 641.425, Florida Statutes, is amended to read:

641.425 Construction of contracts.—

(3) Notwithstanding any other provision of law, when any contract provides for the payment for procedures which are specified in the contract and are within the scope of an optometrist's or podiatric physician's ~~podiatrist's~~ professional license, such contract shall be construed to include payment to an optometrist or podiatric physician ~~podiatrist~~ who performs such procedures. In the case of podiatric medicine ~~podiatry~~ services, payments shall be made in accordance with the coverage now provided for medical and surgical benefits.

Section 227. Section 725.01, Florida Statutes, is amended to read:

725.01 Promise to pay another's debt, etc.—No action shall be brought whereby to charge any executor or administrator upon any special promise to answer or pay any debt or damages out of her or his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriage of another person or to charge any person upon any agreement made upon consideration of marriage, or upon any contract for the sale of lands, tenements or hereditaments, or of any uncertain interest in or concerning them, or for any lease thereof for a period longer than 1 year, or upon any agreement that is not to be performed within the space of 1 year from the making thereof, or whereby to charge any health care provider upon any guarantee, warranty, or assurance as to the results of any medical, surgical, or diagnostic procedure performed by any physician licensed under chapter 458, osteopathic physician licensed under chapter 459, chiropractor licensed under chapter 460, podiatric physician ~~podiatrist~~ licensed under chapter 461, or dentist licensed under chapter 466, unless the agreement or promise upon which such action shall be brought, or some note or memorandum thereof shall be in writing and signed by the party to be charged therewith or by some other person by her or him thereunto lawfully authorized.

Section 228. Paragraph (b) of subsection (1) of section 766.101, Florida Statutes, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(b) The term “health care providers” means physicians licensed under chapter 458, osteopathic physicians licensed under chapter 459, podiatric physicians ~~podiatrists~~ licensed under chapter 461, optometrists licensed under chapter 463, dentists licensed under chapter 466, chiropractors li-

censed under chapter 460, pharmacists licensed under chapter 465, or hospitals or ambulatory surgical centers licensed under chapter 395.

Section 229. Paragraph (a) of subsection (6) of section 766.102, Florida Statutes, is amended to read:

766.102 Medical negligence; standards of recovery.—

(6)(a) In any action for damages involving a claim of negligence against a physician licensed under chapter 458, osteopathic physician licensed under chapter 459, podiatric physician ~~podiatrist~~ licensed under chapter 461, or chiropractor licensed under chapter 460 providing emergency medical services in a hospital emergency department, the court shall admit expert medical testimony only from physicians, osteopathic physicians, podiatric physicians ~~podiatrists~~, and chiropractors who have had substantial professional experience within the preceding 5 years while assigned to provide emergency medical services in a hospital emergency department.

Section 230. Subsection (3) of section 766.103, Florida Statutes, is amended to read:

766.103 Florida Medical Consent Law.—

(3) No recovery shall be allowed in any court in this state against any physician licensed under chapter 458, osteopathic physician licensed under chapter 459, chiropractor licensed under chapter 460, podiatric physician ~~podiatrist~~ licensed under chapter 461, or dentist licensed under chapter 466 in an action brought for treating, examining, or operating on a patient without his or her informed consent when:

(a)1. The action of the physician, osteopathic physician, chiropractor, podiatric physician ~~podiatrist~~, or dentist in obtaining the consent of the patient or another person authorized to give consent for the patient was in accordance with an accepted standard of medical practice among members of the medical profession with similar training and experience in the same or similar medical community; and

2. A reasonable individual, from the information provided by the physician, osteopathic physician, chiropractor, podiatric physician ~~podiatrist~~, or dentist, under the circumstances, would have a general understanding of the procedure, the medically acceptable alternative procedures or treatments, and the substantial risks and hazards inherent in the proposed treatment or procedures, which are recognized among other physicians, osteopathic physicians, chiropractors, podiatric physicians ~~podiatrists~~, or dentists in the same or similar community who perform similar treatments or procedures; or

(b) The patient would reasonably, under all the surrounding circumstances, have undergone such treatment or procedure had he or she been advised by the physician, osteopathic physician, chiropractor, podiatric physician ~~podiatrist~~, or dentist in accordance with the provisions of paragraph (a).



Section 231. Paragraphs (b) and (i) of subsection (1), paragraph (e) of subsection (2), and paragraph (b) of subsection (3) of section 766.105, Florida Statutes, are amended to read:

766.105 Florida Patient's Compensation Fund.—

(1) DEFINITIONS.—The following definitions apply in the interpretation and enforcement of this section:

(b) The term “health care provider” means any:

1. Hospital licensed under chapter 395.
2. Physician licensed, or physician assistant certified, under chapter 458.
3. Osteopathic physician licensed under chapter 459.
4. Podiatric physician ~~Podiatrist~~ licensed under chapter 461.
5. Health maintenance organization certificated under part I of chapter 641.
6. Ambulatory surgical center licensed under chapter 395.
7. “Other medical facility” as defined in paragraph (c).
8. Professional association, partnership, corporation, joint venture, or other association by the individuals set forth in subparagraphs 2., 3., and 4. for professional activity.

(i) The term “house physician” means any physician, osteopathic physician, podiatric physician ~~podiatrist~~, or dentist except: a physician, osteopathic physician, podiatric physician ~~podiatrist~~, or dentist with staff privileges at a hospital; a physician, osteopathic physician, podiatric physician ~~podiatrist~~, or dentist providing emergency room services; an anesthesiologist, pathologist, or radiologist; or a physician, osteopathic physician, podiatric physician ~~podiatrist~~, or dentist who performs a service for a fee.

(2) COVERAGE.—

(e) The coverage afforded by the fund for a participating hospital or ambulatory surgical center shall apply to the officers, trustees, volunteer workers, trainees, committee members (including physicians, osteopathic physicians, podiatric physicians ~~podiatrists~~, and dentists), and employees of the hospital or ambulatory surgical center, other than employed physicians licensed under chapter 458, physician assistants licensed under chapter 458, osteopathic physicians licensed under chapter 459, dentists licensed under chapter 466, and podiatric physicians ~~podiatrists~~ licensed under chapter 461. However, the coverage afforded by the fund for a participating hospital shall apply to house physicians, interns, employed physician residents in a resident training program, or physicians performing purely administrative duties for the participating hospitals other than the treatment of patients. This coverage shall apply to the hospital or ambulatory surgical center and those included in this subsection as one health care provider.

## (3) THE FUND.—

## (b) Fund administration and operation.—

1. The fund shall operate subject to the supervision and approval of a board of governors consisting of a representative of the insurance industry appointed by the Insurance Commissioner, an attorney appointed by The Florida Bar, a representative of physicians appointed by the Florida Medical Association, a representative of physicians' insurance appointed by the Insurance Commissioner, a representative of physicians' self-insurance appointed by the Insurance Commissioner, two representatives of hospitals appointed by the Florida Hospital Association, a representative of hospital insurance appointed by the Insurance Commissioner, a representative of hospital self-insurance appointed by the Insurance Commissioner, a representative of the osteopathic physicians' or podiatric physicians' ~~podiatrists'~~ insurance or self-insurance appointed by the Insurance Commissioner, and a representative of the general public appointed by the Insurance Commissioner. The board of governors shall, during the first meeting after June 30 of each year, choose one of its members to serve as chair of the board and another member to serve as vice chair of the board. The members of the board shall be appointed to serve terms of 4 years, except that the initial appointments of a representative of the general public by the Insurance Commissioner, an attorney by The Florida Bar, a representative of physicians by the Florida Medical Association, and one of the two representatives of the Florida Hospital Association shall be for terms of 3 years; thereafter, such representatives shall be appointed for terms of 4 years. Subsequent to initial appointments for 4-year terms, the representative of the osteopathic physicians' or podiatric physicians' ~~podiatrists'~~ insurance or self-insurance appointed by the Insurance Commissioner and the representative of hospital self-insurance appointed by the Insurance Commissioner shall be appointed for 2-year terms; thereafter, such representatives shall be appointed for terms of 4 years. Each appointed member may designate in writing to the chair an alternate to act in the member's absence or incapacity. A member of the board, or the member's alternate, may be reimbursed from the assets of the fund for expenses incurred by him or her as a member, or alternate member, of the board and for committee work, but he or she may not otherwise be compensated by the fund for his or her service as a board member or alternate.

2. There shall be no liability on the part of, and no cause of action of any nature shall arise against, the fund or its agents or employees, professional advisers or consultants, members of the board of governors or their alternates, or the Department of Insurance or its representatives for any action taken by them in the performance of their powers and duties pursuant to this section.

Section 232. Subsection (2) of section 766.110, Florida Statutes, is amended to read:

## 766.110 Liability of health care facilities.—

(2) Every hospital licensed under chapter 395 may carry liability insurance or adequately insure itself in an amount of not less than \$1.5 million

per claim, \$5 million annual aggregate to cover all medical injuries to patients resulting from negligent acts or omissions on the part of those members of its medical staff who are covered thereby in furtherance of the requirements of ss. 458.320 and 459.0085. Self-insurance coverage extended hereunder to a member of a hospital's medical staff meets the financial responsibility requirements of ss. 458.320 and 459.0085 if the physician's coverage limits are not less than the minimum limits established in ss. 458.320 and 459.0085 and the hospital is a verified trauma center as of July 1, 1990, that has extended self-insurance coverage continuously to members of its medical staff for activities both inside and outside of the hospital since January 1, 1987. Any insurer authorized to write casualty insurance may make available, but shall not be required to write, such coverage. The hospital may assess on an equitable and pro rata basis the following professional health care providers for a portion of the total hospital insurance cost for this coverage: physicians licensed under chapter 458, osteopathic physicians licensed under chapter 459, podiatric physicians ~~podiatrists~~ licensed under chapter 461, dentists licensed under chapter 466, and nurses licensed under chapter 464. The hospital may provide for a deductible amount to be applied against any individual health care provider found liable in a law suit in tort or for breach of contract. The legislative intent in providing for the deductible to be applied to individual health care providers found negligent or in breach of contract is to instill in each individual health care provider the incentive to avoid the risk of injury to the fullest extent and ensure that the citizens of this state receive the highest quality health care obtainable.

Section 233. Paragraph (d) of subsection (3) of section 766.1115, Florida Statutes, is amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

(3) DEFINITIONS.—As used in this section, the term:

(d) "Health care provider" or "provider" means:

1. A birth center licensed under chapter 383.
2. An ambulatory surgical center licensed under chapter 395.
3. A hospital licensed under chapter 395.
4. A physician licensed, or physician assistant certified, under chapter 458.
5. An osteopathic physician licensed, or osteopathic physician assistant certified, under chapter 459.
6. A chiropractic physician licensed under chapter 460.
7. A podiatric physician ~~podiatrist~~ licensed under chapter 461.
8. A registered nurse, nurse midwife, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under chapter

464 or any facility which employs nurses licensed or registered under chapter 464 to supply all or part of the care delivered under this section.

9. A midwife licensed under chapter 467.

10. A health maintenance organization certificated under part I of chapter 641.

11. A health care professional association and its employees or a corporate medical group and its employees.

12. Any other medical facility the primary purpose of which is to deliver human medical diagnostic services or which delivers nonsurgical human medical treatment, and which includes an office maintained by a provider.

13. A dentist or dental hygienist licensed under chapter 466.

~~14.13.~~ Any other health care professional, practitioner, provider, or facility under contract with a governmental contractor.

The term includes any nonprofit corporation qualified as exempt from federal income taxation under s. 501(c) of the Internal Revenue Code which delivers health care services provided by licensed professionals listed in this paragraph, any federally funded community health center, and any volunteer corporation or volunteer health care provider that delivers health care services.

Section 234. Subsection (18) of section 893.02, Florida Statutes, is amended to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(18) “Practitioner” means a physician licensed pursuant to chapter 458, a dentist licensed pursuant to chapter 466, a veterinarian licensed pursuant to chapter 474, an osteopathic physician licensed pursuant to chapter 459, a naturopath licensed pursuant to chapter 462, or a podiatric physician podiatrist licensed pursuant to chapter 461, provided such practitioner holds a valid federal controlled substance registry number.

Section 235. Subsection (39) of section 984.03, Florida Statutes, is amended to read:

984.03 Definitions.—When used in this chapter, the term:

(39) “Neglect” occurs when the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the person primarily responsible for the child’s welfare deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, or medical treatment or permits a child to live in an environment when such deprivation or environment causes the child’s physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances

shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person. A parent or guardian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child shall not, for that reason alone, be considered a negligent parent or guardian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

(a) Medical services from a licensed physician, dentist, optometrist, podiatric physician ~~podiatrist~~, or other qualified health care provider; or

(b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

Section 236. Paragraph (d) of subsection (12) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(12)

(d) Notwithstanding paragraph (b), reimbursement fees to physicians for providing total obstetrical services to Medicaid recipients, which include prenatal, delivery, and postpartum care, shall be at least \$1,500 per delivery for a pregnant woman with low medical risk and at least \$2,000 per delivery for a pregnant woman with high medical risk. However, reimbursement to physicians working in Regional Perinatal Intensive Care Centers designated pursuant to chapter 383, for services to certain pregnant Medicaid recipients with a high medical risk, may be made according to obstetrical care and neonatal care groupings and rates established by the agency. Nurse midwives licensed under chapter 464 or midwives licensed under chapter 467 shall be reimbursed at no less than 80 percent of the low medical risk fee. The agency shall by rule determine, for the purpose of this paragraph, what constitutes a high or low medical risk pregnant woman and shall not pay more based solely on the fact that a caesarean section was performed,

rather than a vaginal delivery. The agency shall by rule determine a prorated payment for obstetrical services in cases where only part of the total prenatal, delivery, or postpartum care was performed. The Department of Health Agency for Health Care Administration shall adopt rules within ~~chapter 467~~ for appropriate insurance coverage for midwives licensed under ~~chapter 467~~ by such licensees. Prior to the issuance and renewal of an active license, or reactivation of an inactive license for midwives licensed under chapter 467, such licensees shall submit proof of coverage with each application.

Section 237. Subsections (2) and (5) of section 455.564, Florida Statutes, are amended to read:

455.564 Department; general licensing provisions.—

(2) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. The license shall consist of a wallet-size identification card, a 3-inch by 5-inch certificate, and an 8 ½-inch by 13-inch wall certificate suitable for conspicuous display.

(5) As a condition of renewal of a license, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Chiropractic, and the Board of Podiatric Medicine shall each require licensees which they respectively regulate to periodically demonstrate their professional competency by completing at least 40 hours of continuing education every 2 years, which may include up to 1 hour of risk management or cost containment and up to 2 hours of other topics related to the applicable medical specialty, if required by board rule. Each of such boards shall determine whether any specific course requirements not otherwise mandated by law shall be mandated and shall approve criteria for, and the content of, any course mandated by such board. Notwithstanding any other provision of law, the board, or the department when there is no board, may approve by rule alternative methods of obtaining continuing education credits in risk management. The alternative methods may include attending a board meeting at which a licensee is disciplined, serving as a volunteer expert witness for the department in a disciplinary case, or serving as a member of a probable cause panel following the expiration of a board member's term.

Section 238. Subsection (1) of section 455.574, Florida Statutes, is amended to read:

455.574 Department of Health; examinations.—

(1)(a) The department shall provide, contract, or approve services for the development, preparation, administration, scoring, score reporting, and evaluation of all examinations, in consultation with the appropriate board. The department shall certify that examinations developed and approved by the department adequately and reliably measure an applicant's ability to practice the profession regulated by the department. After an examination

developed or approved by the department has been administered, the board, or the department when there is no board, may reject any question which does not reliably measure the general areas of competency specified in the rules of the board. The department may contract for the preparation, administration, scoring, score reporting, and evaluation of examinations, when such services are available and approved by the board.

(b) For each examination developed by the department or contracted vendor, to the extent not otherwise specified by statute, the board, or the department when there is no board, shall by rule specify the general areas of competency to be covered by each examination, the relative weight to be assigned in grading each area tested, and the score necessary to achieve a passing grade, and fees, where applicable, to cover the actual cost for any purchase, development, and administration of required examinations. This subsection does not apply to national examinations approved and administered pursuant to paragraph (c). If a practical examination is deemed to be necessary, the rules shall specify the criteria by which examiners are to be selected, the grading criteria to be used by the examiner, the relative weight to be assigned in grading each criterion, and the score necessary to achieve a passing grade. When a mandatory standardization exercise for a practical examination is required by law, the board, or the department when there is no board, may conduct such exercise. Therefore, board members, or employees of the department when there is no board, may serve as examiners at a practical examination with the consent of the board or department, as appropriate.

(c) The board, or the department when there is no board, may approve by rule the use of any national examination which the department has certified as meeting requirements of national examinations and generally accepted testing standards pursuant to department rules. Providers of examinations seeking certification by the department shall pay the actual costs incurred by the department in making a determination regarding the certification. The name and number of a candidate may be provided to a national contractor for the limited purpose of preparing the grade tape and information to be returned to the board or department; or, to the extent otherwise specified by rule, the candidate may apply directly to the vendor of the national examination and supply test score information to the department. The department may delegate to the board the duty to provide and administer the examination. Any national examination approved by a board, or the department when there is no board, prior to October 1, 1997, is deemed certified under this paragraph.

(d) Each board, or the department when there is no board, shall adopt rules regarding the security and monitoring of examinations. The department shall implement those rules adopted by the respective boards. In order to maintain the security of examinations, the department may employ the procedures set forth in s. 455.637 to seek fines and injunctive relief against an examinee who violates the provisions of s. 455.577 or the rules adopted pursuant to this paragraph. The department, or any agent thereof, may, for the purposes of investigation, confiscate any written, photographic, or recording material or device in the possession of the examinee at the examina-

tion site which the department deems necessary to enforce such provisions or rules.

(e) If the professional board with jurisdiction over an examination concurs, the department may, for a fee, share with any other state's licensing authority an examination developed by or for the department unless prohibited by a contract entered into by the department for development or purchase of the examination. The department, with the concurrence of the appropriate board, shall establish guidelines that ensure security of a shared exam and shall require that any other state's licensing authority comply with those guidelines. Those guidelines shall be approved by the appropriate professional board. All fees paid by the user shall be applied to the department's examination and development program for professions regulated by this part.

(f) The department may adopt rules necessary to administer this subsection.

Section 239. Section 468.705, Florida Statutes, is amended to read:

468.705 Rulemaking authority.—The department is authorized to adopt such rules not inconsistent with law as may be necessary to carry out the duties and authority conferred on the department by this part and as may be necessary to protect the health, safety, and welfare of the public. Such rules shall include, but not be limited to, the allowable scope of practice regarding the use of equipment, procedures, and medication and requirements for a written protocol between the athletic trainer and a supervising physician.

Section 240. Subsection (7) of section 865.09, Florida Statutes, is amended to read:

865.09 Fictitious name registration.—

(7) EXEMPTIONS.—A business formed by an attorney licensed to practice law in this state, or by a person licensed by the Department of Business and Professional Regulation or the Department of Health, for the purpose of practicing his or her licensed profession need not be registered under this section, notwithstanding that it transacts business ancillary to the practice of such profession.

Section 241. Section 627.6407, Florida Statutes, is amended to read:

627.6407 Massage.—Any policy of health insurance that provides coverage for massage shall also cover the services of persons licensed to practice massage pursuant to chapter 480, where the massage, as defined in chapter 480, has been prescribed by a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461, as being medically necessary and the prescription specifies the number of treatments.

Section 242. Section 627.6619, Florida Statutes, is amended to read:

627.6619 Massage.—Any policy of health insurance that provides coverage for massage shall also cover the services of persons licensed to practice



massage pursuant to chapter 480, where the massage, as defined in chapter 480, has been prescribed by a physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461, as being medically necessary and the prescription specifies the number of treatments.

Section 243. Subsection (1) of section 458.317, Florida Statutes, is amended to read:

458.317 Limited licenses.—

(1)(a) Any person desiring to obtain a limited license shall:

1. Submit to the board, with an application and fee not to exceed \$300, an affidavit stating that he or she has been licensed to practice medicine in any jurisdiction in the United States for at least 10 years and intends to practice only pursuant to the restrictions of a limited license granted pursuant to this section. However, a physician who is not fully retired in all jurisdictions may use a limited license only for noncompensated practice. If the person applying for a limited license submits a notarized statement from the employing agency or institution stating that he or she will not receive compensation for any service involving the practice of medicine, the application fee and all licensure fees shall be waived. However, any person who receives a waiver of fees for a limited license shall pay such fees if the person receives compensation for the practice of medicine.

2. Meet the requirements in s. 458.311(1)(b)-(g) and (5). If the applicant graduated from medical school prior to 1946, the board or its appropriate committee may accept military medical training or medical experience as a substitute for the approved 1-year residency requirement in s. 458.311(1)(f).

(b) After approval of an application under this section, no license shall be issued until the applicant provides to the board an affidavit that there have been no substantial changes in status since initial application.

(c) If it has been more than 3 years since active practice was conducted by the applicant, the full-time director of the county health department or a licensed physician, approved by the board, shall supervise the applicant for a period of 6 months after he or she is granted a limited license for practice, unless the board determines that a shorter period of supervision will be sufficient to ensure that the applicant is qualified for licensure. Procedures for such supervision shall be established by the board.

(d) The recipient of a limited license may practice only in the employ of public agencies or institutions or nonprofit agencies or institutions meeting the requirements of s. 501(c)(3) of the Internal Revenue Code, which agencies or institutions are located in the areas of critical medical need as determined by the board. Determination of medically underserved areas shall be made by the board after consultation with the Department of Health and ~~Rehabilitative Services~~ and statewide medical organizations; however, such determination shall include, but not be limited to, health professional shortage areas designated by the United States Department of Health and Human Services. A recipient of a limited license may use the license to work

for any approved employer in any area of critical need approved by the board.

(e) The recipient of a limited license shall, within 30 days after accepting employment, notify the board of all approved institutions in which the licensee practices and of all approved institutions where practice privileges have been denied.

Nothing herein limits in any way any policy by the board, otherwise authorized by law, to grant licenses to physicians duly licensed in other states under conditions less restrictive than the requirements of this section. Notwithstanding the other provisions of this section, the board may refuse to authorize a physician otherwise qualified to practice in the employ of any agency or institution otherwise qualified if the agency or institution has caused or permitted violations of the provisions of this chapter which it knew or should have known were occurring.

Section 244. Subsection (4) of section 465.019, Florida Statutes, is amended to read:

465.019 Institutional pharmacies; permits.—

(4) Medicinal drugs shall be dispensed in an institutional pharmacy to outpatients only when that institution has secured a community pharmacy permit from the department. However, an individual licensed to prescribe medicinal drugs in this state may dispense up to a 24-hour supply of a medicinal drug to any patient of an emergency department of a hospital that operates a Class II institutional pharmacy, provided that the physician treating the patient in such hospital's emergency department determines that the medicinal drug is warranted and that community pharmacy services are not readily accessible, geographically or otherwise, to the patient. Such dispensing from the emergency department must be in accordance with the procedures of the hospital. For any such patient for whom a medicinal drug is warranted for a period to exceed 24 hours, an individual licensed to prescribe such drug must dispense a 24-hour supply of such drug to the patient and must provide the patient with a prescription for such drug for use after the initial 24-hour period. The board may adopt rules necessary to carry out the provisions of this subsection.

Section 245. Subsection (2) of section 468.703, Florida Statutes, is amended to read:

468.703 Council of Athletic Training.—

(2) Four members of the council shall be licensed athletic trainers. One member of the council shall be a physician licensed under chapter 458 or chapter 459. One member of the council shall be a physician licensed under chapter 460 and certified in the specialty of sports medicine by the Chiropractic Council on Sports Medicine. One member of the council shall be a resident of this state who has never worked as an athletic trainer, who has no financial interest in the practice of athletic training, and who has never been a licensed health care practitioner as defined in s. 455.01(4). Members

of the council shall serve staggered 4-year terms as determined by rule of the department; however, no member may serve more than two consecutive terms.

Section 246. Subsection (1) of section 766.204, Florida Statutes, is amended to read:

766.204 Availability of medical records for presuit investigation of medical negligence claims and defenses; penalty.—

(1) Copies of any medical record relevant to any litigation of a medical negligence claim or defense shall be provided to a claimant or a defendant, or to the attorney thereof, at a reasonable charge within 10 business days of a request for copies, except that an independent special hospital district with taxing authority which owns two or more hospitals shall have 20 days. It shall not be grounds to refuse copies of such medical records that they are not yet completed or that a medical bill is still owing.

Section 247. Paragraph (e) of subsection (6) of section 483.901, Florida Statutes, is amended to read:

483.901 Medical physicists; definitions; licensure.—

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(e) On receipt of an application and fee as specified in this section, the department may issue a license to practice medical physics in this state:

1. Until October 1, ~~1998~~ 1997, to a person who meets any of the following requirements:

a. Earned from an accredited college or university a doctoral degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering and has at least 2 years' experience in the practice of the medical physics specialty for which application is made.

b. Earned from an accredited college or university a master's degree in physics, medical physics, biophysics, radiological physics, medical health physics, or nuclear engineering and has at least 3 years' experience in the practice of the medical physics specialty for which application is made.

c. Earned from an accredited college or university a bachelor's degree in physics and has at least 5 years' experience in the practice of the medical physics specialty for which application is made.

d. Has at least 8 years' experience in the practice of the medical physics specialty for which application is made, 2 years of which must have been earned within the 4 years immediately preceding application for licensure.

e. Is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics or the Canadian Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the agency.

2. On or after October 1, 1997, to a person who is board certified in the medical physics specialty in which the applicant applies to practice by the American Board of Radiology for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; by the American Board of Medical Physics for diagnostic radiological physics, therapeutic radiological physics, or medical nuclear radiological physics; or by the American Board of Health Physics or an equivalent certifying body approved by the department.

Section 248. Subsection (3) of section 458.345, Florida Statutes, is amended to read:

458.345 Registration of resident physicians, interns, and fellows; list of hospital employees; prescribing of medicinal drugs; penalty.—

(3) Every hospital employing or utilizing the services of a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification shall designate a person who shall, on dates designated by the board, in consultation with the department on January 1 and July 1 of each year, furnish the department with a list of the hospital's employees and such other information as the board may direct. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for furnishing such reports.

Section 249. Subsection (3) of section 459.021, Florida Statutes, is amended to read:

459.021 Registration of resident physicians, interns, and fellows; list of hospital employees; penalty.—

(3) Every hospital having employed or contracted with or utilized the services of a person who holds a degree of Doctor of Osteopathic Medicine from a college of osteopathic medicine recognized and approved by the American Osteopathic Association as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification shall designate a person who shall furnish, on dates designated by the board, in consultation with the department in January and July of each year, to the department a list of all such persons who have served in the hospital during the preceding 6-month period. The chief executive officer of each such hospital shall provide the executive director of the board with the name, title, and address of the person responsible for filing such reports.

Section 250. Paragraph (g) of subsection (3) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.—There is created a Department of Health.

(3) The following divisions of the Department of Health are established:

(g) Division of Medical Quality Assurance, which is responsible for the following boards and professions established within the division:

1. Nursing assistants, as provided under s. 400.211.
2. Health care services pools, as provided under s. 402.48.
3. The Board of Acupuncture, created under chapter 457.
4. The Board of Medicine, created under chapter 458.
5. The Board of Osteopathic Medicine, created under chapter 459.
6. The Board of Chiropractic Medicine, created under chapter 460.
7. The Board of Podiatric Medicine, created under chapter 461.
8. Naturopathy, as provided under chapter 462.
9. The Board of Optometry, created under chapter 463.
10. The Board of Nursing, created under chapter 464.
11. The Board of Pharmacy, created under chapter 465.
12. The Board of Dentistry, created under chapter 466.
13. Midwifery, as provided under chapter 467.
14. The Board of Speech-Language Pathology and Audiology, created under part I of chapter 468.
15. The Board of Nursing Home Administrators, created under part II of chapter 468.
16. Occupational therapy, as provided under part III of chapter 468.
17. Respiratory therapy, as provided under part V of chapter 468.
18. Dietetics and nutrition practice, as provided under part X of chapter 468.
19. Athletic trainers, as provided under part ~~XIII~~ XIV of chapter 468.
20. Electrolysis, as provided under chapter 478.
21. The Board of Massage Therapy, created under chapter 480.
22. The Board of Clinical Laboratory Personnel, created under part III of chapter 483.

23. Medical physicists, as provided under part IV of chapter 483.
24. The Board of Opticianry, created under part I of chapter 484.
25. The Board of Hearing Aid Specialists, created under part II of chapter 484.
26. The Board of Physical Therapy Practice, created under chapter 486.
27. The Board of Psychology, created under chapter 490.
28. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under chapter 491.

The department may contract with the Agency for Health Care Administration who shall provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

Section 251. Subsection (1) of section 322.125, Florida Statutes, is amended to read:

**322.125 Medical Advisory Board.—**

(1) There shall be a Medical Advisory Board composed of not fewer than 12 or more than 25 members, at least one of whom must be 60 years of age or older and all but one of whose medical and other specialties must relate to driving abilities, which number must include a doctor of medicine who is employed by the Department of Highway Safety and Motor Vehicles in Tallahassee, who shall serve as administrative officer for the board. The executive director of the Department of Highway Safety and Motor Vehicles shall recommend persons to serve as board members. Every member but two must be a doctor of medicine licensed to practice medicine in this or any other state and must be a member in good standing of the Florida Medical Association or the Florida Osteopathic Association. One member must be an optometrist licensed to practice optometry in this state and must be a member in good standing of the Florida Optometric Association. One member must be a chiropractic physician ~~chiropractor~~ licensed to practice chiropractic medicine in this state. Members shall be approved by the Cabinet and shall serve 4-year staggered terms. The board membership must, to the maximum extent possible, consist of equal representation of the disciplines of the medical community treating the mental or physical disabilities that could affect the safe operation of motor vehicles.

Section 252. Subsection (1) of section 381.0031, Florida Statutes, is amended to read:

**381.0031 Report of diseases of public health significance to department.—**

(1) Any practitioner, licensed in Florida to practice medicine, osteopathic medicine, chiropractic medicine, naturopathy, or veterinary medicine, who diagnoses or suspects the existence of a disease of public health significance shall immediately report the fact to the Department of Health.

Section 253. Paragraph (b) of subsection (2) and subsection (5) of section 381.0302, Florida Statutes, are amended to read:

381.0302 Florida Health Services Corps.—

(2) As used in this section, the term:

(b) “Florida Health Services Corps” means a program authorized by this section which:

1. Offers scholarships to allopathic, osteopathic, chiropractic, podiatric, dental, physician assistant, and nursing students, and loan repayment assistance and travel and relocation expenses to allopathic and osteopathic residents and physicians, ~~chiropractic physicians~~ chiropractors, podiatrists, nurse practitioners, dentists, and physician assistants, in return for service in a public health care program or in a medically underserved area.

2. Offers membership on a voluntary basis to physicians and other health care personnel who provide uncompensated care.

(5) The department may award scholarships to students studying medicine, osteopathic medicine, chiropractic medicine, podiatric, nursing, or dentistry.

(a) The program shall require a student who receives a scholarship to accept an assignment in a public health care program or work in a specific community located in a medically underserved area upon completion of primary care training. The department shall determine assignments. If a practitioner is assigned to a medically underserved area, the practitioner must treat Medicaid patients and other patients with low incomes.

(b) An eligible student must be pursuing a full-time course of study in:

1. Allopathic or osteopathic medicine, including physician assistants;
2. Dentistry;
3. Podiatric medicine;
4. Nursing, including registered nurses, nurse midwives, and other nurse practitioners; or
5. Chiropractic medicine.

(c) In selecting students to participate in the scholarship program, priority shall be given to students who indicate a desire to practice a primary care specialty in a medically underserved area after their obligation is completed and who indicate an intent to practice medical specialties for which the department has a need.

(d) Scholarship assistance shall consist of reimbursement for tuition and other educational costs such as books, supplies, equipment, transportation, and monthly living expense stipends. The department shall pay the same amount for living expense stipends as is paid by the National Health Services Corps. Each monthly living expense stipend shall be for a 12-month

period beginning with the first month of each school year in which the student is a participant. The department may reimburse a participant for books, supplies, and equipment based on average costs incurred by participants for these items. The department shall prescribe, by rule, eligible expenses for reimbursement and allowable amounts.

(e) For an allopathic or osteopathic medical student, enrollment in the corps may begin in the second year of medical school or in any year thereafter. For a nursing student or other student, enrollment may occur in any year.

(f) For a student who receives scholarship assistance, participation in the corps after completion of training shall be 1 year for each school year of scholarship assistance, up to a maximum of 3 years. The period of obligated service shall begin when the participant is assigned by the department to a public health program or to a medically underserved area.

Section 254. Subsection (11) of section 382.002, Florida Statutes, is amended to read:

382.002 Definitions.—As used in this chapter, the term:

(11) “Physician” means a person authorized to practice medicine, osteopathic medicine, or chiropractic medicine pursuant to chapter 458, chapter 459, or chapter 460.

Section 255. Section 395.0195, Florida Statutes, is amended to read:

395.0195 Access of chiropractic physicians ~~chiropractors~~ to diagnostic reports.—Each hospital shall set standards and procedures which provide for reasonable access by licensed chiropractic physicians ~~chiropractors~~ to the reports of diagnostic X rays and laboratory tests of licensed facilities, subject to the same standards and procedures as other licensed physicians. However, this section does not require a licensed facility to grant staff privileges to a chiropractic physician ~~chiropractor~~.

Section 256. Paragraph (a) of subsection (1) of section 415.1034, Florida Statutes, is amended to read:

415.1034 Mandatory reporting of abuse, neglect, or exploitation of disabled adults or elderly persons; mandatory reports of death.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, osteopathic physician, medical examiner, chiropractic physician ~~chiropractor~~, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of disabled adults or elderly persons;

2. Health professional or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;



4. Nursing home staff; assisted living facility staff; adult day care center staff; adult family-care home staff; social worker; or other professional adult care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer;

6. Human rights advocacy committee or long-term care ombudsman council member; or

7. Bank, savings and loan, or credit union officer, trustee, or employee,

who knows, or has reasonable cause to suspect, that a disabled adult or an elderly person has been or is being abused, neglected, or exploited shall immediately report such knowledge or suspicion to the central abuse registry and tracking system on the single statewide toll-free telephone number.

Section 257. Paragraph (a) of subsection (1) of section 415.504, Florida Statutes, is amended to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; central abuse hotline.—

(1) Any person, including, but not limited to, any:

(a) Physician, osteopathic physician, medical examiner, chiropractic physician ~~chiropractor~~, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of persons;

who knows, or has reasonable cause to suspect, that a child is an abused, abandoned, or neglected child shall report such knowledge or suspicion to the department in the manner prescribed in subsection (2).

Section 258. Subsection (2) of section 440.106, Florida Statutes, is amended to read:

440.106 Civil remedies; administrative penalties.—

(2) Whenever a physician, osteopathic physician, chiropractic physician ~~chiropractor~~, podiatrist, or other practitioner is determined to have violated s. 440.105, the Board of Medicine as set forth in chapter 458, the Board of Osteopathic Medicine as set forth in chapter 459, the Board of Chiropractic Medicine as set forth in chapter 460, the Board of Podiatric Medicine as set forth in chapter 461, or other appropriate licensing authority, shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, osteopathic physician, chiropractic physician ~~chiropractor~~, or other practitioner.

Section 259. Paragraph (r) of subsection (1) of section 440.13, Florida Statutes, is amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(1) DEFINITIONS.—As used in this section, the term:

(r) “Physician” or “doctor” means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a chiropractic physician ~~chiropractor~~ licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, each of whom must be certified by the division as a health care provider.

Section 260. Paragraph (k) of subsection (1) of section 440.134, Florida Statutes, is amended to read:

440.134 Workers’ compensation managed care arrangement.—

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

(k) “Primary care provider” means, except in the case of emergency treatment, the initial treating physician and, when appropriate, continuing treating physician, who may be a family practitioner, general practitioner, or internist physician licensed under chapter 458; a family practitioner, general practitioner, or internist osteopathic physician licensed under chapter 459; a chiropractic physician ~~chiropractor~~ licensed under chapter 460; a podiatrist licensed under chapter 461; an optometrist licensed under chapter 463; or a dentist licensed under chapter 466.

Section 261. Paragraph (a) of subsection (3) of section 440.15, Florida Statutes, is amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(a) Impairment benefits.—

1. Once the employee has reached the date of maximum medical improvement, impairment benefits are due and payable within 20 days after the carrier has knowledge of the impairment.

2. The three-member panel, in cooperation with the division, shall establish and use a uniform permanent impairment rating schedule. This schedule must be based on medically or scientifically demonstrable findings as well as the systems and criteria set forth in the American Medical Association’s Guides to the Evaluation of Permanent Impairment; the Snellen Charts, published by American Medical Association Committee for Eye Injuries; and the Minnesota Department of Labor and Industry Disability Schedules. The schedule should be based upon objective findings. The schedule shall be more comprehensive than the AMA Guides to the Evaluation of Permanent Impairment and shall expand the areas already addressed and address additional areas not currently contained in the guides. On August 1, 1979, and pending the adoption, by rule, of a permanent schedule, Guides to the Evaluation of Permanent Impairment, copyright 1977, 1971,

1988, by the American Medical Association, shall be the temporary schedule and shall be used for the purposes hereof. For injuries after July 1, 1990, pending the adoption by division rule of a uniform disability rating schedule, the Minnesota Department of Labor and Industry Disability Schedule shall be used unless that schedule does not address an injury. In such case, the Guides to the Evaluation of Permanent Impairment by the American Medical Association shall be used. Determination of permanent impairment under this schedule must be made by a physician licensed under chapter 458, a doctor of osteopathic medicine licensed under chapters 458 and 459, a chiropractic physician ~~chiropractor~~ licensed under chapter 460, a podiatrist licensed under chapter 461, an optometrist licensed under chapter 463, or a dentist licensed under chapter 466, as appropriate considering the nature of the injury. No other persons are authorized to render opinions regarding the existence of or the extent of permanent impairment.

3. All impairment income benefits shall be based on an impairment rating using the impairment schedule referred to in subparagraph 2. Impairment income benefits are paid weekly at the rate of 50 percent of the employee's average weekly temporary total disability benefit not to exceed the maximum weekly benefit under s. 440.12. An employee's entitlement to impairment income benefits begins the day after the employee reaches maximum medical improvement or the expiration of temporary benefits, whichever occurs earlier, and continues until the earlier of:

a. The expiration of a period computed at the rate of 3 weeks for each percentage point of impairment; or

b. The death of the employee.

4. After the employee has been certified by a doctor as having reached maximum medical improvement or 6 weeks before the expiration of temporary benefits, whichever occurs earlier, the certifying doctor shall evaluate the condition of the employee and assign an impairment rating, using the impairment schedule referred to in subparagraph 2. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work. If the certification and evaluation are performed by a doctor other than the employee's treating doctor, the certification and evaluation must be submitted to the treating doctor, and the treating doctor must indicate agreement or disagreement with the certification and evaluation. The certifying doctor shall issue a written report to the division, the employee, and the carrier certifying that maximum medical improvement has been reached, stating the impairment rating, and providing any other information required by the division. If the employee has not been certified as having reached maximum medical improvement before the expiration of 102 weeks after the date temporary total disability benefits begin to accrue, the carrier shall notify the treating doctor of the requirements of this section.

5. The carrier shall pay the employee impairment income benefits for a period based on the impairment rating.

Section 262. Subsections (2) and (5) of section 455.564, Florida Statutes, are amended to read:

455.564 Department; general licensing provisions.—

(2) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, the department shall issue a license to any person certified by the appropriate board, or its designee, as having met the licensure requirements imposed by law or rule. The licensee shall be issued a wallet-size identification card and a wall certificate suitable for conspicuous display, which shall be no smaller than 8 ½ inches by 14 inches. The licensee shall surrender to the department the wallet-size identification card and the wall certificate if the licensee's license is suspended or revoked. The department shall promptly return the wallet-size identification card and the wall certificate to the licensee upon reinstatement of a suspended or revoked license.

(5) As a condition of renewal of a license, the Board of Medicine, the Board of Osteopathic Medicine, the Board of Chiropractic Medicine, and the Board of Podiatric Medicine shall each require licensees which they respectively regulate to periodically demonstrate their professional competency by completing at least 40 hours of continuing education every 2 years, which may include up to 1 hour of risk management or cost containment and up to 2 hours of other topics related to the applicable medical specialty, if required by board rule. Each of such boards shall determine whether any specific course requirements not otherwise mandated by law shall be mandated and shall approve criteria for, and the content of, any course mandated by such board.

Section 263. Paragraph (a) of subsection (3) of section 455.654, Florida Statutes, is amended to read:

455.654 Financial arrangements between referring health care providers and providers of health care services.—

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(a) “Board” means any of the following boards relating to the respective professions: the Board of Medicine as created in s. 458.307; the Board of Osteopathic Medicine as created in s. 459.004; the Board of Chiropractic Medicine as created in s. 460.404; the Board of Podiatric Medicine as created in s. 461.004; the Board of Optometry as created in s. 463.003; the Board of Pharmacy as created in s. 465.004; and the Board of Dentistry as created in s. 466.004.

Section 264. Section 455.684, Florida Statutes, is amended to read:

455.684 Chiropractic and podiatric health care; denial of payment; limitation.—A chiropractic physician licensed under chapter 460 or a podiatrist licensed under chapter 461 shall not be denied payment for treatment rendered solely on the basis that the chiropractic physician ~~chiropractor~~ or podiatrist is not a member of a particular preferred provider organization or exclusive provider organization which is composed only of physicians licensed under the same chapter.

Section 265. Paragraph (a) of subsection (1) of section 455.691, Florida Statutes, is amended to read:

455.691 Treatment of Medicare beneficiaries; refusal, emergencies, consulting physicians.—

(1) Effective as of January 1, 1993, as used in this section, the term:

(a) “Physician” means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, a chiropractic physician ~~chiropractor~~ licensed under chapter 460, a podiatrist licensed under chapter 461, or an optometrist licensed under chapter 463.

Section 266. Subsection (1) of section 455.694, Florida Statutes, is amended to read:

455.694 Boards regulating certain health care practitioners.—

(1) As a prerequisite for licensure or license renewal, the Board of Acupuncture, the Board of Chiropractic Medicine, the Board of Podiatric Medicine, and the Board of Dentistry shall, by rule, require that all health care practitioners licensed under the respective board, and the Board of Nursing shall, by rule, require that advanced registered nurse practitioners certified under s. 464.012, maintain medical malpractice insurance or provide proof of financial responsibility in an amount and in a manner determined by the board to be sufficient to cover claims arising out of the rendering of or failure to render professional care and services in this state.

Section 267. Subsection (2) of section 456.31, Florida Statutes, is amended to read:

456.31 Legislative intent.—

(2) It is the intent of the Legislature to provide for certain practitioners of the healing arts, such as a trained and qualified dentist, to use hypnosis for hypnoanesthesia or for the allaying of anxiety in relation to dental work; however, under no circumstances shall it be legal or proper for the dentist or the individual to whom the dentist may refer the patient, to use hypnosis for the treatment of the neurotic difficulties of a patient. The same applies to the optometrist, podiatrist, chiropractic physician ~~chiropractor~~, osteopathic physician, or physician of medicine.

Section 268. Subsections (2) and (3) of section 456.32, Florida Statutes, are amended to read:

456.32 Definitions.—In construing this chapter, the words, phrases, or terms, unless the context otherwise indicates, shall have the following meanings:

(2) “Healing arts” shall mean the practice of medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic medicine, naturopathy, podiatry, chiropody, psychology, clinical social work, marriage and family therapy, mental health counseling, and optometry.

(3) “Practitioner of the healing arts” shall mean a person licensed under the laws of the state to practice medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic medicine, naturopathy, podiatry, chiroprody, psychology, clinical social work, marriage and family therapy, mental health counseling, or optometry within the scope of his or her professional training and competence and within the purview of the statutes applicable to his or her respective profession, and who may refer a patient for treatment by a qualified person, who shall employ hypnotic techniques under the supervision, direction, prescription, and responsibility of such referring practitioner.

Section 269. The catchline of section 459.002, Florida Statutes, is amended to read:

459.002 Chapter not applicable to practice of medicine, surgery, chiropractic medicine, etc.—

Section 270. Chapter 460, Florida Statutes, entitled “Chiropractic,” is retitled “Chiropractic Medicine.”

Section 271. Subsections (2) and (4) and paragraphs (a) and (e) of subsection (8) of section 460.403, Florida Statutes, are amended to read:

460.403 Definitions.—As used in this chapter, the term:

(2) “Board” means the Board of Chiropractic Medicine.

(4) “Chiropractic physician” means any person licensed to practice chiropractic medicine pursuant to this chapter.

(8)(a) “Practice of chiropractic medicine” means a noncombative principle and practice consisting of the science, philosophy, and art of the adjustment, manipulation, and treatment of the human body in which vertebral subluxations and other malpositioned articulations and structures that are interfering with the normal generation, transmission, and expression of nerve impulse between the brain, organs, and tissue cells of the body, thereby causing disease, are adjusted, manipulated, or treated, thus restoring the normal flow of nerve impulse which produces normal function and consequent health by chiropractic physicians using specific chiropractic adjustment or manipulation techniques taught in chiropractic colleges accredited by the Council on Chiropractic Education. No person other than a licensed chiropractic physician may render chiropractic services, chiropractic adjustments, or chiropractic manipulations.

(e) The term “chiropractic medicine,” “chiropractic,” “doctor of chiropractic,” or “chiropractor” shall be synonymous with “chiropractic physician,” and each term shall be construed to mean a practitioner of chiropractic medicine as the same has been defined herein. Chiropractic physicians may analyze and diagnose the physical conditions of the human body to determine the abnormal functions of the human organism and to determine such functions as are abnormally expressed and the cause of such abnormal expression.

Section 272. Section 460.404, Florida Statutes, is amended to read:

460.404 Board of Chiropractic Medicine; membership; appointment; terms.—

(1) The Board of Chiropractic Medicine is created within the department and shall consist of seven members to be appointed by the Governor and confirmed by the Senate.

(2) Five members of the board must be licensed chiropractic physicians who are residents of the state and who have been licensed chiropractic physicians engaged in the practice of chiropractic medicine for at least 4 years. The remaining two members must be residents of the state who are not, and have never been, licensed as chiropractic physicians or members of any closely related profession. At least one member of the board must be 60 years of age or older.

(3) As the terms of the members expire, the Governor shall appoint successors for terms of 4 years, and such members shall serve until their successors are appointed.

(4) All provisions of part II of chapter 455 relating to the board shall apply.

Section 273. Section 460.405, Florida Statutes, is amended to read:

460.405 Authority to make rules.—The Board of Chiropractic Medicine is authorized to make such rules not inconsistent with law as are necessary to carry out the duties and authority conferred upon the board by this chapter.

Section 274. Paragraphs (c) and (e) of subsection (1) and subsection (3) of section 460.406, Florida Statutes, are amended to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician shall apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed \$100 which shall be nonrefundable. There shall also be an examination fee not to exceed \$500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has:

(c) Submitted proof satisfactory to the department that he or she is a graduate of a chiropractic college which is accredited by or has status with the Council on Chiropractic Education or its predecessor agency. However, any applicant who is a graduate of a chiropractic college that was initially accredited by the Council on Chiropractic Education in 1995, who graduated from such college within the 4 years immediately preceding such accreditation, and who is otherwise qualified shall be eligible to take the examination.

No application for a license to practice chiropractic medicine shall be denied solely because the applicant is a graduate of a chiropractic college that subscribes to one philosophy of chiropractic medicine as distinguished from another.

(e) Completed not less than a 3-month training program in this state of not less than 300 hours with a chiropractic physician licensed in this state. The chiropractic physician candidate may perform all services offered by the licensed chiropractic physician, but must be under the supervision of the licensed chiropractic physician until the results of the first licensure examination for which the candidate has qualified have been received, at which time the candidate's training program shall be terminated. However, an applicant who has practiced chiropractic medicine in any other state, territory, or jurisdiction of the United States or any foreign national jurisdiction for at least 5 years as a licensed chiropractic physician need not be required to complete the 3-month training program as a requirement for licensure.

(3) An applicant for the licensure examination may elect not to take the certification examination to use acupuncture. The department shall, in addition to the licensing exam, offer an examination for certification to use acupuncture. An applicant may elect to take the certification examination at the time of taking the licensure examination. Passage of the certification examination shall not grant any applicant the right to practice chiropractic medicine absent the passage of the licensing examination.

Section 275. Paragraph (b) of subsection (1) of section 460.408, Florida Statutes, is amended to read:

460.408 Continuing chiropractic education.—

(1) The board shall require licensees to periodically demonstrate their professional competence as a condition of renewal of a license by completing up to 40 hours of continuing education.

(b) The board shall approve those courses that build upon the basic courses required for the practice of chiropractic medicine, and the board may also approve courses in adjunctive modalities.

Section 276. Subsection (1) and paragraph (c) of subsection (2) of section 460.411, Florida Statutes, are amended to read:

460.411 Violations and penalties.—

(1) Each of the following acts constitutes a violation of this chapter and is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Practicing or attempting to practice chiropractic medicine without an active license or with a license fraudulently obtained.

(b) Using or attempting to use a license to practice chiropractic medicine which has been suspended or revoked.



(2) Each of the following acts constitutes a violation of this chapter and is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(c) Using the name or title “chiropractic physician,” “doctor of chiropractic,” “chiropractic medicine,” or any other name or title which would lead the public to believe that such person is engaging in the practice of chiropractic medicine, unless such person is licensed as a chiropractic physician in this state.

Section 277. Section 460.412, Florida Statutes, is amended to read:

460.412 Sexual misconduct in the practice of chiropractic medicine.— The chiropractic physician-patient relationship is founded on mutual trust. Sexual misconduct in the practice of chiropractic medicine means violation of the chiropractic physician-patient relationship through which the chiropractic physician uses said relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of chiropractic medicine is prohibited.

Section 278. Paragraphs (a), (b), (c), (h), (k), (m), (q), (r), and (s) of subsection (1) and subsection (3) of section 460.413, Florida Statutes, are amended to read:

460.413 Grounds for disciplinary action; action by the board.—

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

(a) Attempting to obtain, obtaining, or renewing a license to practice chiropractic medicine by bribery, by fraudulent misrepresentations, or through an error of the department or the board.

(b) Having a license to practice chiropractic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of chiropractic medicine or to the ability to practice chiropractic medicine. Any plea of nolo contendere shall be considered a conviction for purposes of this chapter.

(h) Aiding, assisting, procuring, or advising any unlicensed person to practice chiropractic medicine contrary to this chapter or to a rule of the department or the board.

(k) Making misleading, deceptive, untrue, or fraudulent representations in the practice of chiropractic medicine or employing a trick or scheme in the practice of chiropractic medicine when such trick or scheme fails to conform to the generally prevailing standards of treatment in the chiropractic medical community.

(m) Failing to keep legibly written chiropractic medical records that identify clearly by name and credentials the licensed chiropractic physician rendering, ordering, supervising, or billing for each examination or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories, examination results, test results, X rays, and diagnosis of a disease, condition, or injury. X rays need not be retained for more than 4 years.

(q) Being unable to practice chiropractic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding by the secretary of the department, or his or her designee, or the probable cause panel of the board that probable cause exists to believe that the licensee is unable to practice the profession because of reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with the department's order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The department shall be entitled to the summary procedure provided in s. 51.011. The record of proceedings to obtain a compelled mental or physical examination shall not be used against a licensee in any other proceedings. A chiropractic physician affected under this paragraph shall at reasonable intervals be afforded an opportunity to demonstrate that she or he can resume the competent practice of chiropractic medicine with reasonable skill and safety to patients.

(r) Gross or repeated malpractice or the failure to practice chiropractic medicine at a level of care, skill, and treatment which is recognized by a reasonably prudent chiropractic physician as being acceptable under similar conditions and circumstances. The board shall give great weight to the standards for malpractice in s. 766.102 in interpreting this provision. A recommended order by an administrative law judge, or a final order of the board finding a violation under this section shall specify whether the licensee was found to have committed "gross malpractice," "repeated malpractice," or "failure to practice chiropractic medicine with that level of care, skill, and treatment which is recognized as being acceptable under similar conditions and circumstances" or any combination thereof, and any publication by the board shall so specify.

(s) Performing any procedure or prescribing any therapy which, by the prevailing standards of chiropractic medical practice in the community, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.

(3) The department shall not reinstate the license of a chiropractic physician, or cause a license to be issued to a person the board has deemed unqualified, until such time as the board is satisfied that she or he has complied with all the terms and conditions set forth in the final order and that such person is capable of safely engaging in the practice of chiropractic medicine.

Section 279. Subsection (1) of section 460.4166, Florida Statutes, is amended to read:

460.4166 Registered chiropractic assistants.—

(1) DEFINITION.—As used in this section, “registered chiropractic assistant” means a professional, multiskilled person dedicated to assisting in all aspects of chiropractic medical practice under the direct supervision and responsibility of a chiropractic physician. A registered chiropractic assistant assists with patient care management, executes administrative and clinical procedures, and often performs managerial and supervisory functions. Competence in the field also requires that a registered chiropractic assistant adhere to ethical and legal standards of professional practice, recognize and respond to emergencies, and demonstrate professional characteristics.

Section 280. Subsection (1) of section 462.01, Florida Statutes, is amended to read:

462.01 Definitions.—As used in this chapter:

(1) “Natureopathy” and “Naturopathy” shall be construed as synonymous terms and mean the use and practice of psychological, mechanical, and material health sciences to aid in purifying, cleansing, and normalizing human tissues for the preservation or restoration of health, according to the fundamental principles of anatomy, physiology, and applied psychology, as may be required. Naturopathic practice employs, among other agencies, phytotherapy, dietetics, psychotherapy, suggestotherapy, hydrotherapy, zone therapy, biochemistry, external applications, electrotherapy, mechanotherapy, mechanical and electrical appliances, hygiene, first aid, sanitation, and heliotherapy; provided, however, that nothing in this chapter shall be held or construed to authorize any naturopathic physician licensed hereunder to practice materia medica or surgery or chiropractic medicine, nor shall the provisions of this law in any manner apply to or affect the practice of osteopathic medicine, chiropractic medicine, Christian Science, or any other treatment authorized and provided for by law for the cure or prevention of disease and ailments.

Section 281. Subsection (10) of section 468.301, Florida Statutes, is amended to read:

468.301 Definitions.—As used in this part, the term:

(10) “Licensed practitioner” means a person who is licensed or otherwise authorized by law to practice medicine, podiatry, chiropody, osteopathic medicine, naturopathy, or chiropractic medicine in this state.

Section 282. Paragraph (a) of subsection (6) of section 468.302, Florida Statutes, is amended to read:

468.302 Use of radiation; identification of certified persons; limitations; exceptions.—

(6) Requirement for certification does not apply to:

(a) A hospital resident who is not a licensed practitioner in this state or a student enrolled in and attending a school or college of medicine, osteopathic medicine, chiroprody, podiatry, or chiropractic medicine or a radiologic technology educational program and who applies radiation to a human being while under the direct supervision of a licensed practitioner.

Section 283. Paragraph (j) of subsection (2) of section 468.314, Florida Statutes, is amended to read:

468.314 Advisory Council on Radiation Protection; appointment; terms; powers; duties.—

(2) The council shall be comprised of:

(j) A ~~board-certified~~ chiropractic radiologist.

Section 284. Subsection (1) of section 476.044, Florida Statutes, is amended to read:

476.044 Exemptions.—This chapter does not apply to the following persons when practicing pursuant to their professional responsibilities and duties:

(1) Persons authorized under the laws of this state to practice medicine, surgery, osteopathic medicine, chiropractic medicine, naturopathy, or podiatry;

Section 285. Paragraph (a) of subsection (1) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(1) This chapter does not apply to the following persons when practicing pursuant to their professional or occupational responsibilities and duties:

(a) Persons authorized under the laws of this state to practice medicine, surgery, osteopathic medicine, chiropractic medicine, massage, naturopathy, or podiatry.

Section 286. Paragraph (i) of subsection (3), paragraph (a) of subsection (4), and paragraph (j) of subsection (6) of section 483.901, Florida Statutes, are amended to read:

483.901 Medical physicists; definitions; licensure.—

(3) DEFINITIONS.—As used in this section, the term:

(i) “Physician” means a doctor of medicine, osteopathic medicine, podiatry, dentistry, or chiropractic medicine who is licensed in this state and who prescribes a radiological procedure.

(4) COUNCIL.—The Advisory Council of Medical Physicists is created in the Department of Health to advise the department in regulating the practice of medical physics in this state.

(a) The council shall be composed of nine members appointed by the secretary of the department as follows:

1. A licensed medical physicist who specializes in diagnostic radiological physics.
2. A licensed medical physicist who specializes in therapeutic radiological physics.
3. A licensed medical physicist who specializes in medical nuclear radiological physics.
4. A physician who is board certified by the American Board of Radiology or its equivalent.
5. A physician who is board certified by the American Osteopathic Board of Radiology or its equivalent.
6. A ~~chiropractic~~ physician who ~~practices radiology is board certified by the American Chiropractic Radiology Board or its equivalent.~~
7. Three consumer members who are not, and have never been, licensed as a medical physicist or licensed in any closely related profession.

(6) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(j) The department may issue a temporary license to an applicant pending completion of the application process for board certification.

Section 287. Subsection (11) of section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.—In this chapter, unless the context otherwise requires, the term:

(11) “Practice of physical therapy” means the performance of physical therapy assessments and the treatment of any disability, injury, disease, or other health condition of human beings, or the prevention of such disability, injury, disease, or other condition of health, and rehabilitation as related thereto by the use of the physical, chemical, and other properties of air; electricity; exercise; massage; the performance of acupuncture only upon compliance with the criteria set forth by the Board of Medicine, when no penetration of the skin occurs; the use of radiant energy, including ultraviolet, visible, and infrared rays; ultrasound; water; the use of apparatus and equipment in the application of the foregoing or related thereto; the performance of tests of neuromuscular functions as an aid to the diagnosis or treatment of any human condition; or the performance of electromyography as an aid to the diagnosis of any human condition only upon compliance with the criteria set forth by the Board of Medicine. A physical therapist may implement a plan of treatment for a patient. The physical therapist shall

refer the patient to or consult with a health care practitioner licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466, if the patient's condition is found to be outside the scope of physical therapy. If physical therapy treatment for a patient is required beyond 21 days for a condition not previously assessed by a practitioner of record, the physical therapist shall obtain a practitioner of record who will review and sign the plan. A health care practitioner licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 and engaged in active practice is eligible to serve as a practitioner of record. The use of roentgen rays and radium for diagnostic and therapeutic purposes and the use of electricity for surgical purposes, including cauterization, are not authorized under the term "physical therapy" as used in this chapter. The practice of physical therapy as defined in this chapter does not authorize a physical therapy practitioner to practice chiropractic medicine as defined in chapter 460, including specific spinal manipulation. For the performance of specific chiropractic spinal manipulation, a physical therapist shall refer the patient to a health care practitioner licensed under chapter 460. Nothing in this subsection authorizes a physical therapist to implement a plan of treatment for a patient currently being treated in a facility licensed pursuant to chapter 395.

Section 288. Subsection (1) of section 486.161, Florida Statutes, is amended to read:

486.161 Exemptions.—

(1) No provision of this chapter shall be construed to prohibit any person licensed in this state from using any physical agent as a part of, or incidental to, the lawful practice of her or his profession under the statutes applicable to the profession of chiropractic physician ~~chiropractor~~, podiatrist, doctor of medicine, massage therapist, nurse, osteopathic physician or surgeon, occupational therapist, or naturopath.

Section 289. Subsection (1) of section 621.03, Florida Statutes, is amended to read:

621.03 Definitions.—As used in this act the following words shall have the meaning indicated:

(1) The term "professional service" means any type of personal service to the public which requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization. By way of example and without limiting the generality thereof, the personal services which come within the provisions of this act are the personal services rendered by certified public accountants, public accountants, chiropractic physicians ~~chiropractors~~, dentists, osteopathic physicians, physicians and surgeons, doctors of medicine, doctors of dentistry, podiatrists, chiroprodists, architects, veterinarians, attorneys at law, and life insurance agents.

Section 290. Paragraph (h) of subsection (4) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—

(h) As used in this subsection:

1. “Health care provider” means hospitals licensed under chapter 395; physicians licensed under chapter 458; osteopathic physicians licensed under chapter 459; podiatrists licensed under chapter 461; dentists licensed under chapter 466; chiropractic physicians ~~chiropractors~~ licensed under chapter 460; naturopaths licensed under chapter 462; nurses licensed under chapter 464; midwives licensed under chapter 467; clinical laboratories registered under chapter 483; physician assistants certified under chapter 458; physical therapists and physical therapist assistants licensed under chapter 486; health maintenance organizations certificated under part I of chapter 641; ambulatory surgical centers licensed under chapter 395; other medical facilities as defined in subparagraph 2.; blood banks, plasma centers, industrial clinics, and renal dialysis facilities; or professional associations, partnerships, corporations, joint ventures, or other associations for professional activity by health care providers.

2. “Other medical facility” means a facility the primary purpose of which is to provide human medical diagnostic services or a facility providing non-surgical human medical treatment, to which facility the patient is admitted and from which facility the patient is discharged within the same working day, and which facility is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine shall not be construed to be an “other medical facility.”

3. “Health care facility” means any hospital licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, ambulatory surgical center licensed under chapter 395, or other medical facility as defined in subparagraph 2.

Section 291. Paragraph (b) of subsection (1) of section 627.357, Florida Statutes, is amended to read:

627.357 Medical malpractice self-insurance.—

(1) DEFINITIONS.—As used in this section, the term:

(b) “Health care provider” means any:

1. Hospital licensed under chapter 395.
2. Physician licensed, or physician assistant certified, under chapter 458.
3. Osteopathic physician licensed under chapter 459.
4. Podiatrist licensed under chapter 461.
5. Health maintenance organization certificated under part I of chapter 641.

6. Ambulatory surgical center licensed under chapter 395.
7. Chiropractic physician ~~Chiropractor~~ licensed under chapter 460.
8. Psychologist licensed under chapter 490.
9. Optometrist licensed under chapter 463.
10. Dentist licensed under chapter 466.
11. Pharmacist licensed under chapter 465.
12. Registered nurse, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under chapter 464.
13. Other medical facility.
14. Professional association, partnership, corporation, joint venture, or other association established by the individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9., 10., 11., and 12. for professional activity.

Section 292. Subsection (10) of section 627.6482, Florida Statutes, is amended to read:

627.6482 Definitions.—As used in ss. 627.648-627.6498, the term:

(10) “Physician” means a physician licensed under chapter 458; an osteopathic physician licensed under chapter 459; a chiropractic physician ~~chiropractor~~ licensed under chapter 460; a podiatrist licensed under chapter 461; or, for purposes of oral surgery only, a dental surgeon licensed under chapter 466.

Section 293. Subsection (1) of section 641.316, Florida Statutes, is amended to read:

641.316 Fiscal intermediary services.—

(1) It is the intent of the Legislature, through the adoption of this section, to ensure the financial soundness of fiscal intermediary services organizations established to develop, manage, and administer the business affairs of health care professional providers such as medical doctors, doctors of osteopathy, doctors of chiropractic medicine, doctors of podiatric medicine, doctors of dentistry, or other health professionals regulated by the Department of Health.

Section 294. Section 725.01, Florida Statutes, is amended to read:

725.01 Promise to pay another's debt, etc.—No action shall be brought whereby to charge any executor or administrator upon any special promise to answer or pay any debt or damages out of her or his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriage of another person or to charge any person upon any agreement made upon consideration of marriage, or upon any contract for the sale of lands, tenements or hereditaments, or of any uncertain interest in or concerning them, or for any lease thereof for a period longer than



1 year, or upon any agreement that is not to be performed within the space of 1 year from the making thereof, or whereby to charge any health care provider upon any guarantee, warranty, or assurance as to the results of any medical, surgical, or diagnostic procedure performed by any physician licensed under chapter 458, osteopathic physician licensed under chapter 459, chiropractic physician ~~chiropractor~~ licensed under chapter 460, podiatrist licensed under chapter 461, or dentist licensed under chapter 466, unless the agreement or promise upon which such action shall be brought, or some note or memorandum thereof shall be in writing and signed by the party to be charged therewith or by some other person by her or him thereunto lawfully authorized.

Section 295. Paragraph (b) of subsection (1) of section 766.101, Florida Statutes, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(b) The term “health care providers” means physicians licensed under chapter 458, osteopathic physicians licensed under chapter 459, podiatrists licensed under chapter 461, optometrists licensed under chapter 463, dentists licensed under chapter 466, chiropractic physicians ~~chiropractors~~ licensed under chapter 460, pharmacists licensed under chapter 465, or hospitals or ambulatory surgical centers licensed under chapter 395.

Section 296. Paragraph (a) of subsection (6) of section 766.102, Florida Statutes, is amended to read:

766.102 Medical negligence; standards of recovery.—

(6)(a) In any action for damages involving a claim of negligence against a physician licensed under chapter 458, osteopathic physician licensed under chapter 459, podiatrist licensed under chapter 461, or chiropractic physician ~~chiropractor~~ licensed under chapter 460 providing emergency medical services in a hospital emergency department, the court shall admit expert medical testimony only from physicians, osteopathic physicians, podiatrists, and chiropractic physicians ~~chiropractors~~ who have had substantial professional experience within the preceding 5 years while assigned to provide emergency medical services in a hospital emergency department.

Section 297. Subsection (3) of section 766.103, Florida Statutes, is amended to read:

766.103 Florida Medical Consent Law.—

(3) No recovery shall be allowed in any court in this state against any physician licensed under chapter 458, osteopathic physician licensed under chapter 459, chiropractic physician ~~chiropractor~~ licensed under chapter 460, podiatrist licensed under chapter 461, or dentist licensed under chapter 466 in an action brought for treating, examining, or operating on a patient without his or her informed consent when:

(a)1. The action of the physician, osteopathic physician, chiropractic physician ~~chiropractor~~, podiatrist, or dentist in obtaining the consent of the patient or another person authorized to give consent for the patient was in accordance with an accepted standard of medical practice among members of the medical profession with similar training and experience in the same or similar medical community; and

2. A reasonable individual, from the information provided by the physician, osteopathic physician, chiropractic physician ~~chiropractor~~, podiatrist, or dentist, under the circumstances, would have a general understanding of the procedure, the medically acceptable alternative procedures or treatments, and the substantial risks and hazards inherent in the proposed treatment or procedures, which are recognized among other physicians, osteopathic physicians, chiropractic physicians ~~chiropractors~~, podiatrists, or dentists in the same or similar community who perform similar treatments or procedures; or

(b) The patient would reasonably, under all the surrounding circumstances, have undergone such treatment or procedure had he or she been advised by the physician, osteopathic physician, chiropractic physician ~~chiropractor~~, podiatrist, or dentist in accordance with the provisions of paragraph (a).

Section 298. Subsection (2) of section 817.234, Florida Statutes, is amended to read:

817.234 False and fraudulent insurance claims.—

(2) Any physician licensed under chapter 458, osteopathic physician licensed under chapter 459, chiropractic physician ~~chiropractor~~ licensed under chapter 460, or other practitioner licensed under the laws of this state who knowingly and willfully assists, conspires with, or urges any insured party to fraudulently violate any of the provisions of this section or part XI of chapter 627, or any person who, due to such assistance, conspiracy, or urging by said physician, osteopathic physician, chiropractic physician ~~chiropractor~~, or practitioner, knowingly and willfully benefits from the proceeds derived from the use of such fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In the event that a physician, osteopathic physician, chiropractic physician ~~chiropractor~~, or practitioner is adjudicated guilty of a violation of this section, the Board of Medicine as set forth in chapter 458, the Board of Osteopathic Medicine as set forth in chapter 459, the Board of Chiropractic Medicine as set forth in chapter 460, or other appropriate licensing authority shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, osteopathic physician, chiropractic physician ~~chiropractor~~, or practitioner.

Section 299. The catchline and subsection (1) of section 945.047, Florida Statutes, are amended to read:

945.047 Licensing requirements for physicians, osteopathic physicians, and chiropractic physicians ~~chiropractors~~ employed by the department.—

(1) The Department of Corrections shall employ only physicians, osteopathic physicians, or chiropractic physicians holding licenses in good standing to practice medicine in this state, except that, by October 1, 1980, no more than 10 percent of the total number of such physicians employed by the department may be exempted from the provisions of this subsection. Each such exempted physician shall hold a valid license to practice medicine, osteopathic medicine, or chiropractic medicine in another state and shall have been certified by the appropriate board as eligible for admission for examination in this state under chapter 458, chapter 459, or chapter 460, as applicable. The appropriate board shall not certify as eligible for admission for examination any person who has been adjudged unqualified or guilty of any of the acts enumerated in the disciplinary provisions contained in chapter 458, chapter 459, or chapter 460, as applicable.

Section 300. Paragraph (a) of subsection (1) of section 458.3115, Florida Statutes, is amended to read:

458.3115 Restricted license; certain foreign-licensed physicians; United States Medical Licensing Examination (USMLE) or agency-developed examination; restrictions on practice; full licensure.—

(1)(a) Notwithstanding any other provision of law, the agency shall provide procedures under which certain physicians who are or were foreign-licensed and have practiced medicine no less than 2 years may take the USMLE or an agency-developed examination to qualify for a restricted license to practice medicine in this state. The agency and board-developed examination shall test the same areas of medical knowledge as the Federation of State Medical Boards of the United States, Inc. (FLEX) previously administered by the Florida Board of Medicine to grant medical licensure in Florida. ~~Said examination shall be in the same form and content and shall be administered in the same manner as the FLEX.~~ The agency-developed examination must be made available no later than December 31 ~~September 1, 1998~~, to a physician who qualifies for licensure. A person who is eligible to take and elects to take the agency and board-developed examination, who has previously passed part 1 or part 2 of the previously administered FLEX shall not be required to retake or pass the equivalent parts of the agency-developed examination, and may sit for the agency and board-developed examination five times within 5 years.

Section 301. The sum of \$1.2 million from the unallocated balance in the Medical Quality Assurance Trust Fund is appropriated to the Department of Health to allow the department to develop the examination required for foreign licensed physicians in section 458.3115(1)(a), Florida Statutes, through a contract with the University of South Florida. The department shall charge examinees a fee that, in the aggregate, will reimburse the Medical Quality Assurance Trust Fund for the amount advanced to the department under this section. This section expires July 1, 1999.

Section 302. Paragraph (b) of subsection (1) of section 490.005, Florida Statutes, is amended to read:

490.005 Licensure by examination.—

(1) Any person desiring to be licensed as a psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the board certifies has:

(b) Submitted proof satisfactory to the board that the applicant has:

1. Received doctoral-level psychological education, as defined in s. 490.003(3);

2. Received the equivalent of a doctoral-level psychological education, as defined in s. 490.003(3), from a program at a school or university located outside the United States of America and Canada, which was officially recognized by the government of the country in which it is located as an institution or program to train students to practice professional psychology. The burden of establishing that the requirements of this provision have been met shall be upon the applicant; ~~or~~

3. Received and submitted to the board, prior to July 1, 1999, certification of an augmented doctoral-level psychological education from the program director of a doctoral-level psychology program accredited by a programmatic agency recognized and approved by the United States Department of Education; or.

4. Received and submitted to the board, prior to July 1, 2001, certification of a doctoral-level program that at the time the applicant was enrolled and graduated maintained a standard of education and training comparable to the standard of training of programs accredited by a programmatic agency recognized and approved by the United States Department of Education, as such comparability was determined by the Board of Psychological Examiners immediately prior to the amendment of section 490.005, Florida Statutes, 1994 Supplement, by section 5 of chapter 95-279, Laws of Florida.

Section 303. 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.