

PCB SCHCWI 14-01a

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27 a protocol; providing for biennial renewal of
 28 registration, including continuing education
 29 requirements; providing for application and biennial
 30 renewal fees; providing rulemaking authority; amending
 31 s. 464.015, F.S.; providing title protection for
 32 independent advanced practice registered nurses;
 33 creating s. 464.0155, F.S.; requiring independent
 34 advanced practice registered nurses to report adverse
 35 incidents to the Board of Nursing in a certain manner;
 36 providing for board review of the adverse incident;
 37 authorizing the board to take disciplinary action for
 38 adverse incidents; amending s. 464.016, F.S.;

39 providing for penalties for illegally using certain
 40 titles; making a conforming change; amending s.
 41 464.018, F.S.; adding certain acts to an existing list
 42 of acts for which nurses may be administratively
 43 disciplined; amending s. 39.303, F.S.; specifying a
 44 face-to-face medical evaluation by a child protection
 45 team is not necessary when a child is examined by an
 46 independent advanced practice registered nurse or an
 47 independent advanced practice registered nurse
 48 concludes further medical evaluation is unnecessary;
 49 making conforming changes; amending s. 39.304, F.S.;

50 authorizing an independent advanced practice
 51 registered nurse to perform or order an examination
 52 and diagnose a child under certain circumstances

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53 without parental consent; making conforming changes;
 54 amending s. 90.503, F.S.; redefining the term
 55 "psychotherapist" to include an independent advanced
 56 practice registered nurse who practices within a
 57 specified scope of practice; amending s. 110.12315,
 58 F.S.; making a conforming change; amending s.
 59 112.0455, F.S.; authorizing an independent advanced
 60 practice registered nurse to collect a specimen for a
 61 drug test at the scene of an accident for a specified
 62 purpose; making a conforming change; amending s.
 63 121.0515, F.S.; including an independent advanced
 64 practice registered nurse in a class for to authorize
 65 the designation as a special risk member if certain
 66 conditions are met; making a conforming change;
 67 amending s. 252.515, F.S.; redefining the term
 68 "emergency first responder" to include an independent
 69 advanced practice registered nurse; making a
 70 conforming change; amending s. 310.071, F.S.;
 71 authorizing a deputy pilot applicant to satisfy
 72 certification requirements by completing a physical
 73 examination administered by an independent advanced
 74 practice registered nurse; broadening an exception to
 75 the prohibition against the use of controlled
 76 substances by an applicant for a deputy pilot
 77 certificate to allow the use of controlled substances
 78 prescribed by an independent advanced practice

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79 registered nurse or an advanced practice registered
 80 nurse; requiring an advanced practice registered nurse
 81 performing the physical examination to know the
 82 minimum certification standards; amending s. 310.073,
 83 F.S.; authorizing a state pilot applicant to satisfy
 84 licensure requirements by completing a physical
 85 examination administered by an independent advanced
 86 practice registered nurse; broadening an exception to
 87 the prohibition against the use of controlled
 88 substances by an applicant for a pilot license to
 89 allow the use of controlled substances prescribed by
 90 an independent advanced practice registered nurse or
 91 an advanced practice registered nurse; requiring an
 92 advanced practice registered nurse performing the
 93 physical examination to know the minimum licensure
 94 standards; amending s. 310.081, F.S.; authorizing a
 95 deputy pilot or state pilot applicant to satisfy
 96 certification or licensure requirements by completing
 97 a physical examination administered by an independent
 98 advanced practice registered nurse who must know the
 99 minimum certification or licensure standards;
 100 requiring an independent advanced practice registered
 101 nurse to certify whether the applicant meets the
 102 minimum standards; amending s. 320.0848, F.S.;

103 authorizing an independent advanced practice
 104 registered nurse to certify a person is disabled;

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105 making a conforming change; amending s. 381.00315,
 106 F.S.; authorizing the reactivation of an independent
 107 advanced practice registered nurse licensee in a
 108 public health emergency; making conforming changes;
 109 amending s. 381.00593, F.S.; redefining the term
 110 "health care practitioner" to include an independent
 111 advanced practice registered nurse; making a
 112 conforming change; amending s. 381.026, F.S.;
 113 redefining the term "health care provider" to include
 114 an independent advanced practice registered nurse;
 115 amending s. 382.008, F.S.; authorizing independent
 116 advanced practice registered nurses and advanced
 117 practice registered nurses to certify causes of death
 118 and to sign, correct, and file death certificates;
 119 amending s. 383.141, F.S.; redefining the term "health
 120 care provider" to include an independent advanced
 121 practice registered nurse; making a conforming change;
 122 amending s. 390.0111, F.S.; including an independent
 123 advanced practice registered nurse in the list of
 124 health care practitioners that may review an
 125 ultrasound with a woman prior to an abortion
 126 procedure; making a conforming change; amending s.
 127 390.012, F.S.; including an independent advanced
 128 practice registered nurse in the list of health care
 129 practitioners that may provide postoperative
 130 monitoring, must be available throughout an abortion

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131 procedure, must remain at the abortion clinic until
 132 all patients are discharged, and must attempt to
 133 assess the patient's recovery within a specified time;
 134 making conforming changes; amending s. 394.455, F.S.;
 135 redefining the term "psychiatric nurse" to include an
 136 independent advanced practice registered nurse
 137 certified in a specified specialty; amending s.
 138 394.463, F.S.; authorizing independent advanced
 139 practice registered nurses and advanced practice
 140 registered nurses to execute a certificate to require,
 141 under the Baker Act, an involuntary examination of a
 142 person; authorizing a psychiatric nurse to examine a
 143 person at a receiving facility and approve the release
 144 of a person at the receiving facility under the Baker
 145 Act; amending s. 395.0191, F.S.; providing for the
 146 eligibility of clinical privileges for an independent
 147 advanced practice registered nurse; providing an
 148 exception to the requirement for onsite medical
 149 direction for certain independent advanced practice
 150 registered nurses; making conforming changes; amending
 151 s. 395.602, F.S.; making conforming changes; amending
 152 s. 395.605, F.S.; including independent advanced
 153 practice registered nurses in a list of health care
 154 practitioners that must supervise the care of a
 155 patient or be on duty for a specified duration in an
 156 emergency care setting; making conforming changes;

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157 amending s. 397.311, F.S.; redefining the term
 158 "qualified professional" to include an independent
 159 advanced practice registered nurse; making conforming
 160 changes; amending s. 397.405, F.S.; providing that an
 161 independent advanced practice registered nurse's
 162 practice may not be limited under certain
 163 circumstances; making conforming changes; amending s.
 164 397.427, F.S.; making conforming changes; amending s.
 165 397.501, F.S.; prohibiting the denial of certain
 166 services for an individual who takes medicine
 167 prescribed by an independent advanced practice
 168 registered nurse; amending s. 400.021, F.S.; revising
 169 the term "geriatric outpatient clinic" to include a
 170 site staffed by an independent advanced practice
 171 registered nurse; making a conforming change; amending
 172 s. 400.0255, F.S.; including independent advanced
 173 practice registered nurses in a list of health care
 174 practitioners who must sign a notice of discharge or
 175 transfer; making a conforming change; amending s.
 176 400.172, F.S.; including independent advanced practice
 177 registered nurses and advanced practice registered
 178 nurses in a list of health care practitioners from
 179 whom a prospective respite care resident may obtain
 180 certain medical information; making conforming
 181 changes; amending s. 400.462, F.S.; adding a
 182 definition of the term "independent advanced practice

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183 registered nurse; making a conforming change; amending
 184 s. 400.487, F.S.; including in a list of health care
 185 practitioners who must establish treatment orders for
 186 certain patients and under certain circumstances;
 187 making conforming changes; amending s. 400.506, F.S.;
 188 applying requirements applicable to medical plans of
 189 treatment to independent advanced practice registered
 190 nurses; making conforming changes; amending s.
 191 400.9905, F.S.; adding advanced practice registered
 192 nurses to a list of health care practitioners who are
 193 not to be defined and required to be licensed as a
 194 clinic; amending s. 401.445, F.S.; prohibiting
 195 recovery of damages in court against an independent
 196 advanced practice registered nurse under certain
 197 circumstances; requiring an independent advanced
 198 practice registered nurse to attempt to obtain consent
 199 of a person prior to providing emergency services;
 200 making conforming changes; amending s. 409.905, F.S.;
 201 providing for the payment of independent advanced
 202 practice registered nurses by the Agency for Health
 203 Care Services for mandatory Medicaid services;
 204 providing for the qualification of rural health
 205 clinics to be paid by the agency amending s. 409.908,
 206 F.S.; providing for the reimbursement of Medicaid
 207 services provided by independent advanced practice
 208 registered nurses; making a conforming change;

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209 | amending s. 409.9081, F.S.; requiring copayments under
 210 | the Medicaid program to be paid for independent
 211 | advanced practice registered nurse services; making a
 212 | conforming change; amending s. 409.973, F.S.;
 213 | requiring managed care plans to cover independent
 214 | advanced practice registered nurse services; making a
 215 | conforming change; amending s. 429.26, F.S.;
 216 | prohibiting independent advanced practice registered
 217 | nurses and advanced practice registered nurses from
 218 | having a financial interest in the assisted living
 219 | facility that employs them; including independent
 220 | advanced practice registered nurses in a list of
 221 | health care practitioners from whom an assisted living
 222 | facility resident may obtain an examination prior to
 223 | admission; amending s. 429.918, F.S.; revising the
 224 | definition of the term "ADRD participant" to include
 225 | participants who have a documented diagnosis of
 226 | Alzheimer's disease or a dementia-related disorder
 227 | from an independent advanced practice registered
 228 | nurse; including independent advanced practice
 229 | registered nurses in a list of health care
 230 | practitioners from whom an ADRD participant may obtain
 231 | signed medical documentation; making conforming
 232 | changes; amending s. 440.102, F.S.; authorizing, for
 233 | the purpose of drug-free workforce program
 234 | requirements, an independent advanced practice

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235 registered nurse and an advanced practice registered
 236 nurse to collect a specimen for a drug test; making
 237 technical changes; amending s. 456.0391, F.S.; making
 238 conforming changes; amending s. 456.0392, F.S.; making
 239 a conforming change by deleting a reference to
 240 controlled substances listed in chapter 893 and
 241 revising the title of advanced registered nurse
 242 practitioner to advanced practice registered nurse;
 243 amending s. 456.041, F.S.; making conforming changes;
 244 amending s. 456.048, F.S.; requiring independent
 245 advanced practice registered nurses to maintain
 246 medical malpractice insurance or provide proof of
 247 financial responsibility; exempting independent
 248 advanced practice registered nurses from such
 249 requirements under certain circumstances; amending s.
 250 456.053, F.S.; adding the Board of Nursing to the
 251 definition of the term "Board"; adding an independent
 252 advanced practice registered nurse to the definition
 253 of the term "health care provider"; removing an
 254 obsolete effective date; authorizing an independent
 255 advanced practice registered nurse to make referrals
 256 under certain circumstances; adding independent
 257 advanced practice registered nurses to a list of
 258 health care providers under the definition of the term
 259 "sole provider"; amending s. 456.072, F.S.; requiring
 260 the suspension and fining of an independent advanced

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261 practice registered nurse or advanced practice
 262 registered nurse for prescribing or dispensing a
 263 controlled substances in a certain manner; amending s.
 264 456.44, F.S.; providing certain requirements for
 265 independent advanced practice registered nurses and
 266 advanced practice registered nurses who prescribe
 267 controlled substances for the treatment of chronic
 268 nonmalignant pain; amending s. 458.3265, F.S.;
 269 requiring an independent advanced practice registered
 270 nurse to perform a physical examination of a patient
 271 at a pain management clinic under certain
 272 circumstances; making a conforming change; amending s.
 273 458.331, F.S.; making a conforming change; amending s.
 274 458.348, F.S.; making conforming changes; deleting
 275 obsolete provisions; amending s. 459.0137, F.S.;
 276 requiring an independent advanced practice registered
 277 nurse to perform a physical examination of a patient
 278 at a pain management clinic under certain
 279 circumstances; making a conforming change; amending s.
 280 459.015, F.S.; making a conforming change; amending s.
 281 459.025, F.S.; making conforming changes; deleting
 282 obsolete provisions; amending s. 464.004, F.S.; making
 283 a conforming change; amending s. 464.0205, F.S.;
 284 authorizing a retired volunteer nurse to work under
 285 the direct supervision of an independent advanced
 286 practice registered nurse; making a conforming change;

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287 amending s. 467.003, F.S.; making conforming changes;
 288 amending s. 480.0475; authorizing the operation of a
 289 massage establishment during certain times if a
 290 massage performed during those times is prescribed by
 291 an independent advanced practice registered nurse;
 292 making a conforming change; amending s. 483.041, F.S.;
 293 including an independent advanced practice registered
 294 nurse within the definition of the term "licensed
 295 practitioner"; making a conforming change; amending s.
 296 483.181, F.S.; making a cross-reference to require
 297 clinical laboratories to accept a human specimen
 298 submitted by an independent advanced practice
 299 registered nurse; amending s. 483.801, F.S.; making a
 300 conforming change; amending s. 486.021, F.S.;
 301 authorizing a physical therapist to implement a plan
 302 of treatment provided by an independent advanced
 303 practice registered nurse; making a conforming change;
 304 amending s. 490.012, F.S.; allowing certain qualified
 305 independent advanced practice registered nurses to use
 306 the word, or a form of the word, "psychotherapy";
 307 making a conforming change; amending s. 491.0057,
 308 F.S.; authorizing certain qualified independent
 309 advanced practice registered nurses to be licensed as
 310 marriage and family therapists; making a conforming
 311 change; amending s. 491.012, F.S.; authorizing certain
 312 qualified independent advanced practice registered

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313 nurses to use the terms psychotherapist, sex
 314 therapist, or juvenile sexual offender therapist, and
 315 other specified terms; making a conforming change;
 316 amending s. 493.6108, F.S.; authorizing an independent
 317 advanced practice registered nurse to certify the
 318 physical fitness of a certain applicant to bear a
 319 weapon or firearm; making a conforming change;
 320 amending s. 626.9707, F.S.; prohibiting discrimination
 321 by insurer of person with sickle-cell trait for
 322 services authorized to be provided by an independent
 323 advanced practice registered nurse; making a
 324 conforming change; amending s. 627.357, F.S.;
 325 including independent advanced practice registered
 326 nurses within the definition of "health care
 327 provider"; making conforming changes; amending s.
 328 627.736, F.S.; requiring personal injury protection
 329 insurance to cover a certain amount of medical
 330 services provided by an independent advanced practice
 331 registered nurse, by practitioners supervised by an
 332 independent advanced practice registered nurse, or by
 333 an entity wholly owned by one or more independent
 334 advanced practice registered nurses; providing for
 335 reimbursement amounts for independent advanced
 336 practice registered nurses; making conforming changes;
 337 amending s. 627.6471, F.S.; requiring insurers under
 338 certain circumstances to provide eligibility criteria

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339 for qualified independent advanced practice registered
 340 nurses; making a conforming change; amending s.
 341 627.6472, F.S.; requiring insurers under certain
 342 circumstances to provide eligibility criteria for
 343 qualified independent advanced practice registered
 344 nurses; making a conforming change; prohibiting an
 345 exclusive provider organization from discriminating
 346 against participation by a qualified independent
 347 advanced practice registered nurse; making a
 348 conforming change; amending s. 633.412, F.S.; allowing
 349 an applicant for certification as a firefighter to
 350 obtain a medical examination by an independent
 351 advanced practice registered nurse; making a
 352 conforming change; clarifying a cross-reference;
 353 amending s. 641.3923, F.S.; prohibiting a health
 354 maintenance organization from discriminating against
 355 the participation of an independent advanced practice
 356 registered nurse; making conforming changes; amending
 357 s. 641.495, F.S.; requiring a health maintenance
 358 organization to disclose in certain documents that
 359 certain services may be provided by independent
 360 advanced practice registered nurses and advanced
 361 practice registered nurse; amending s. 744.331, F.S.;
 362 making a conforming change; amending s. 744.703, F.S.;
 363 adding independent advanced practice registered nurses
 364 and advanced practice registered nurses to a list of

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365 authorized professionals with whom a public guardian
 366 may contract with to carry out guardianship functions;
 367 amending s. 766.102, F.S.; providing requirements for
 368 qualification as an expert witness in a medical
 369 negligence case concerning the standard of care for an
 370 independent advanced practice registered nurse; making
 371 a conforming change; amending s. 766.103, F.S.;

372 prohibiting recovery of damages against an independent
 373 advanced practice registered nurse under certain
 374 conditions; amending s. 766.1115, F.S.; including an
 375 independent advanced practice registered nurse within
 376 the definition of the term "health care provider";
 377 making conforming changes; amending s. 766.1116, F.S.;

378 including an independent advanced practice registered
 379 nurse within the definition of the term "health care
 380 practitioner"; making conforming changes; amending s.
 381 766.118, F.S.; including an independent advanced
 382 practice registered nurse within the definition of the
 383 term "practitioner"; amending s. 768.135, F.S.; making
 384 an independent advanced practice registered nurse
 385 immune from civil damages for providing volunteer
 386 services under certain circumstances; amending s.
 387 782.071, F.S.; allowing a person serving community
 388 service in a trauma center or hospital to be under the
 389 supervision of an independent advanced practice
 390 registered nurse or an advanced practice registered

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391 nurse; amending s. 794.08, F.S.; providing an
 392 exception for procedures performed by or under the
 393 direction of an independent advanced practice
 394 registered nurse; amending s. 893.02, F.S.; including
 395 an independent advanced practice registered nurse and
 396 an advanced practice registered nurse within the
 397 definition of the term "practitioner"; amending s.
 398 943.13, F.S.; authorizing a law enforcement officer or
 399 correctional officer to satisfy qualifications for
 400 employment or appointment by passing a physical
 401 examination conducted by an independent advanced
 402 practice registered nurse; making a conforming change;
 403 amending s. 945.603, F.S.; authorizing the
 404 Correctional Medical Authority to review and make
 405 recommendations as to the use of advanced practice
 406 registered nurses to act as physician extenders;
 407 making a technical correction; amending s. 1002.20,
 408 F.S.; preventing school districts and its employees
 409 and agents from being held liable for the use of
 410 epinephrine auto-injectors under certain circumstances
 411 regardless if authorized by an independent advanced
 412 practice registered nurse; making conforming changes;
 413 amending s. 1002.42, F.S.; preventing a private school
 414 and its employees and agents from being held liable
 415 for the use of epinephrine auto-injectors under
 416 certain circumstances regardless if authorized by an

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417 independent advanced practice registered nurse;
 418 amending s. 1006.062, F.S.; authorizing nonmedical
 419 assistive personnel to perform health services if
 420 trained by an independent advanced practice registered
 421 nurse; requiring monitoring of such personnel by an
 422 independent advanced practice registered nurse;
 423 including independent advanced practice registered
 424 nurses in a list of practitioners who must determine
 425 whether such personnel may perform certain invasive
 426 medical services; making a conforming change; amending
 427 s. 1006.20, F.S.; authorizing students athletes to
 428 satisfy a medical evaluation requirement by having an
 429 independent advanced practice registered nurse
 430 perform the evaluation; amending s. 1009.65, F.S.;
 431 making conforming changes; amending s. 1009.66, F.S.;
 432 making a conforming change; amending s. 1009.67, F.S.;
 433 making a conforming change; providing an effective
 434 date.

435

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

437

438 Section 1. Subsections (16), (17), (18), (19), (20), (21),
 439 (22), and (23) of section 464.003, Florida Statutes, are
 440 renumbered as subsections (17), (18), (19), (20), (21), (22),
 441 (23), and (24), respectively, subsections (2), (3), (20), and
 442 (22) are amended in that section, and subsection (16) is added

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443 to that section, to read:

444 464.003 Definitions.—As used in this part, the term:

445 (2) "Advanced or specialized nursing practice" or "to

446 practice advanced or specialized nursing" means, in addition to

447 the practice of professional nursing, the performance of

448 advanced-level nursing acts approved by the board which, by

449 virtue of postbasic specialized education, training, and

450 experience, are appropriately performed by an independent

451 advanced practice registered nurse or an advanced practice

452 registered nurse practitioner. Within the context of advanced or

453 specialized nursing practice, the independent advanced practice

454 registered nurse and advanced practice registered nurse

455 ~~practitioner~~ may perform acts of nursing diagnosis and nursing

456 treatment of alterations of the health status. The independent

457 advanced practice registered nurse and advanced practice

458 registered nurse practitioner may also perform acts of medical

459 diagnosis, ~~and treatment, prescription,~~ and operation which are

460 identified and approved by a joint committee composed of three

461 members appointed by the Board of Nursing, one of whom must be

462 an independent advanced practice registered nurse and one ~~two~~ of

463 whom must be an advanced practice registered nurse ~~nurse~~

464 ~~practitioners~~; three members appointed by the Board of Medicine,

465 two of whom must have had work experience with advanced practice

466 registered nurses ~~nurse practitioners~~; and the State Surgeon

467 General or the State Surgeon General's designee. Each committee

468 member appointed by a board shall be appointed to a term of 4

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469 | years unless a shorter term is required to establish or maintain
 470 | staggered terms. The Board of Nursing shall adopt rules
 471 | authorizing the performance of any such acts approved by the
 472 | joint committee. Unless otherwise specified by the joint
 473 | committee and unless such acts are performed by independent
 474 | advanced practice registered nurses, such medical acts must be
 475 | performed under the general supervision of a practitioner
 476 | licensed under chapter 458, chapter 459, or chapter 466 within
 477 | the framework of standing protocols which identify the medical
 478 | acts to be performed and the conditions for their performance.
 479 | The department may, by rule, require that a copy of the protocol
 480 | be filed with the department along with the notice required by
 481 | s. 458.348 or s. 459.025.

482 | (3) "Advanced practice registered nurse ~~practitioner~~"
 483 | means any person licensed in this state to practice professional
 484 | nursing and certified in advanced or specialized nursing
 485 | practice, including certified registered nurse anesthetists,
 486 | certified nurse midwives, and certified nurse practitioners.

487 | (16) "Independent advanced practice registered nurse"
 488 | means an advanced practice registered nurse who maintains an
 489 | active and valid certification under s. 464.012(2) and
 490 | registration under s. 464.0125 to practice advanced or
 491 | specialized nursing independently and without the supervision of
 492 | a physician or a protocol.

493 | ~~(21)~~ ~~(20)~~ "Practice of professional nursing" means the
 494 | performance of those acts requiring substantial specialized

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495 knowledge, judgment, and nursing skill based upon applied
 496 principles of psychological, biological, physical, and social
 497 sciences which shall include, but not be limited to:

498 (a) The observation, assessment, nursing diagnosis,
 499 planning, intervention, and evaluation of care; health teaching
 500 and counseling of the ill, injured, or infirm; and the promotion
 501 of wellness, maintenance of health, and prevention of illness of
 502 others.

503 (b) The administration and prescribing of medications and
 504 treatments as ~~prescribed or~~ authorized by a ~~duly licensed~~
 505 ~~practitioner authorized by the laws of this state to prescribe~~
 506 ~~such medications and treatments.~~

507 (c) The supervision and teaching of other personnel in the
 508 theory and performance of any of the acts described in this
 509 subsection.

510
 511 A professional nurse is responsible and accountable for making
 512 decisions that are based upon the individual's educational
 513 preparation and experience in nursing.

514 (22) "Registered nurse" means any person licensed in this
 515 state to practice professional nursing, except such licensed
 516 person may only administer medications and treatments as
 517 prescribed or authorized by a duly licensed practitioner
 518 authorized by the laws of this state to prescribe such
 519 medications and treatments.

520 Section 2. Section 464.012, Florida Statutes, is amended

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521 to read:

522 464.012 Certification of advanced practice registered
 523 nurses ~~nurse practitioners~~; fees.—

524 (1) Any nurse desiring to be certified as an advanced
 525 practice registered nurse ~~practitioner~~ shall apply to the board
 526 ~~department~~ and submit proof that he or she holds a current
 527 license to practice professional nursing and that he or she
 528 meets ~~one or more of~~ the following requirements ~~as determined by~~
 529 ~~the board~~:

530 (a) ~~Satisfactory completion of a formal postbasic~~
 531 ~~educational program of at least one academic year, the primary~~
 532 ~~purpose of which is to prepare nurses for advanced or~~
 533 ~~specialized practice.~~

534 ~~(b)~~ Certification by an appropriate specialty board. Such
 535 certification shall be required for initial state certification
 536 and any recertification as a nurse practitioner, registered
 537 nurse anesthetist, or nurse midwife. The board may by rule
 538 provide for provisional state certification of graduate nurse
 539 practitioners, nurse anesthetists, and nurse midwives for a
 540 period of time determined to be appropriate for preparing for
 541 and passing the national certification examination.

542 ~~(b)(e)~~ Graduation from a ~~program leading to a~~ master's
 543 degree program in a nursing clinical specialty area with
 544 preparation in specialized practitioner skills. ~~For applicants~~
 545 ~~graduating on or after October 1, 1998, graduation from a~~
 546 ~~master's degree program shall be required for initial~~

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547 ~~certification as a nurse practitioner under paragraph (4) (c).~~
 548 ~~For applicants graduating on or after October 1, 2001,~~
 549 ~~graduation from a master's degree program shall be required for~~
 550 ~~initial certification as a registered nurse anesthetist under~~
 551 ~~paragraph (4) (a).~~

552 (2) The board shall provide by rule the appropriate
 553 requirements for advanced practice registered nurses ~~nurse~~
 554 ~~practitioners~~ in the categories of certified registered nurse
 555 anesthetist, certified nurse midwife, and certified nurse
 556 practitioner.

557 (3) An advanced practice registered nurse ~~practitioner~~
 558 shall perform those functions authorized in this section within
 559 the framework of an established protocol that is filed with the
 560 board upon biennial license renewal and within 30 days after
 561 entering into a supervisory relationship with a physician or
 562 changes to the protocol. The board shall review the protocol to
 563 ensure compliance with applicable regulatory standards for
 564 protocols. The board shall refer to the department licensees
 565 submitting protocols that are not compliant with the regulatory
 566 standards for protocols. A practitioner currently licensed under
 567 chapter 458, chapter 459, or chapter 466 shall maintain
 568 supervision for directing the specific course of medical
 569 treatment. Within the established framework, an advanced
 570 practice registered nurse ~~practitioner~~ may:

- 571 (a) Monitor and alter drug therapies.
- 572 (b) Initiate appropriate therapies for certain conditions.

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573 (c) Perform additional functions as may be determined by
574 rule in accordance with s. 464.003(2).

575 (d) Order diagnostic tests and physical and occupational
576 therapy.

577 (e) Administer, dispense, and prescribe medicinal drugs,
578 including controlled substances.

579 (4) In addition to the general functions specified in
580 subsection (3), an advanced practice registered nurse
581 ~~practitioner~~ may perform the following acts within his or her
582 specialty:

583 (a) The certified registered nurse anesthetist may, to the
584 extent authorized by established protocol approved by the
585 medical staff of the facility in which the anesthetic service is
586 performed, perform any or all of the following:

587 1. Determine the health status of the patient as it
588 relates to the risk factors and to the anesthetic management of
589 the patient through the performance of the general functions.

590 2. Based on history, physical assessment, and supplemental
591 laboratory results, determine, with the consent of the
592 responsible physician, the appropriate type of anesthesia within
593 the framework of the protocol.

594 3. Order under the protocol preanesthetic medication.

595 4. Perform under the protocol procedures commonly used to
596 render the patient insensible to pain during the performance of
597 surgical, obstetrical, therapeutic, or diagnostic clinical
598 procedures. These procedures include ordering and administering

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599 regional, spinal, and general anesthesia; inhalation agents and
 600 techniques; intravenous agents and techniques; and techniques of
 601 hypnosis.

602 5. Order or perform monitoring procedures indicated as
 603 pertinent to the anesthetic health care management of the
 604 patient.

605 6. Support life functions during anesthesia health care,
 606 including induction and intubation procedures, the use of
 607 appropriate mechanical supportive devices, and the management of
 608 fluid, electrolyte, and blood component balances.

609 7. Recognize and take appropriate corrective action for
 610 abnormal patient responses to anesthesia, adjunctive medication,
 611 or other forms of therapy.

612 8. Recognize and treat a cardiac arrhythmia while the
 613 patient is under anesthetic care.

614 9. Participate in management of the patient while in the
 615 postanesthesia recovery area, including ordering the
 616 administration of fluids and drugs.

617 10. Place special peripheral and central venous and
 618 arterial lines for blood sampling and monitoring as appropriate.

619 (b) The certified nurse midwife may, to the extent
 620 authorized by an established protocol which has been approved by
 621 the medical staff of the health care facility in which the
 622 midwifery services are performed, or approved by the nurse
 623 midwife's physician backup when the delivery is performed in a
 624 patient's home, perform any or all of the following:

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- 625 1. Perform superficial minor surgical procedures.
- 626 2. Manage the patient during labor and delivery to include
- 627 amniotomy, episiotomy, and repair.
- 628 3. Order, initiate, and perform appropriate anesthetic
- 629 procedures.
- 630 4. Perform postpartum examination.
- 631 5. Order appropriate medications.
- 632 6. Provide family-planning services and well-woman care.
- 633 7. Manage the medical care of the normal obstetrical
- 634 patient and the initial care of a newborn patient.

635 (c) The certified nurse practitioner may perform any or
 636 all of the following acts within the framework of established
 637 protocol:

- 638 1. Manage selected medical problems.
- 639 2. Order physical and occupational therapy.
- 640 3. Initiate, monitor, or alter therapies for certain
- 641 uncomplicated acute illnesses.
- 642 4. Monitor and manage patients with stable chronic
- 643 diseases.
- 644 5. Establish behavioral problems and diagnosis and make
- 645 treatment recommendations.

646 (5) The board shall certify, and the department shall
 647 issue a certificate to, any nurse meeting the qualifications in
 648 this section. The board shall establish an application fee not
 649 to exceed \$100 and a biennial renewal fee not to exceed \$50. The
 650 board is authorized to adopt such other rules as are necessary

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651 to implement the provisions of this section.

652 Section 3. Section 464.0125, Florida Statutes, is created
653 to read:

654 464.0125 Registration of independent advanced practice
655 registered nurses; fees.—

656 (1) To be registered as an independent advanced practice
657 registered nurse, an applicant must submit proof to the board
658 that the applicant has:

659 (a) An active and valid certificate under s. 464.012;

660 (b) Completed, in any U.S. jurisdiction, at least 2000
661 clinical practice hours within a three year period immediately
662 preceding submission of the application and while practicing as
663 an advanced practice registered nurse;

664 (c) Not been subject to any disciplinary action under s.
665 464.018 or s. 456.072, or any similar disciplinary action in any
666 other jurisdiction, during the 5 years immediately preceding the
667 application; and

668 (d) Completed a graduate level course in pharmacology.

669 (2) The board may provide by rule additional requirements
670 appropriate for each applicant practicing in a specialty under
671 s. 464.012(4).

672 (3) An independent advanced practice registered nurse may
673 perform, without physician supervision or a protocol, the acts
674 authorized in s. 464.012(3), acts within his or her specialty as
675 described in s. 464.012(4), and any of the following:

676 (a) For a patient who requires the services of a health

677 care facility, as defined in s. 408.032(8):
 678 1. Admit the patient to the facility.
 679 2. Manage the care the patient receives in the facility.
 680 3. Discharge the patient from the facility.
 681 (b) Provide a signature, certification, stamp,
 682 verification, affidavit, or other endorsement that is otherwise
 683 required by law to be provided by a physician.
 684 (4) An advanced practice registered nurse registered under
 685 this section must submit to the department proof of registration
 686 along with the certification information required under s.
 687 456.0391, and the department shall include the registration in
 688 the advanced practice registered nurse's practitioner profile
 689 created pursuant to s. 456.041.
 690 (5) To be eligible for biennial renewal of registration,
 691 an independent advanced practice registered nurse must complete
 692 at least 10 hours of continuing education in pharmacology in
 693 addition to completing the continuing education requirements
 694 provided for in board rule pursuant to s. 464.013. The biennial
 695 renewal for registration shall coincide with the independent
 696 advanced practice registered nurse's biennial renewal period for
 697 his or her advanced practice registered nurse certification.
 698 If, consequently, the initial renewal period occurs prior to
 699 January 1, 2015, the independent advanced practice registered
 700 nurse is not required to complete the continuing education
 701 requirement under this subsection until the following biennial
 702 renewal period.

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703 (6) The board shall register any nurse meeting the
 704 qualifications in this section. The board shall establish an
 705 application fee not to exceed \$100 and a biennial renewal fee
 706 not to exceed \$50. The board is authorized to adopt such other
 707 rules as are necessary to implement the provisions of this
 708 section.

709 Section 4. Subsections (8) and (9) of section 464.015,
 710 Florida Statutes, are amended to read:

711 464.015 Titles and abbreviations; restrictions; penalty.—

712 (8) Only persons certified under s. 464.012 ~~who hold valid~~
 713 ~~certificates~~ to practice as advanced practice registered nurses
 714 ~~nurse practitioners~~ in this state may use the title "Advanced
 715 Practice Registered Nurse ~~Practitioner~~" and the abbreviation
 716 "A.P.R.N." Only persons registered under s. 464.0125 to practice
 717 as independent advanced practice registered nurses in this state
 718 may use the title "Independent Advanced Practice Registered
 719 Nurse" and the abbreviation "I.A.P.R.N." "A.R.N.P."

720 (9) A person may not practice or advertise as, or assume
 721 the title of, registered nurse, licensed practical nurse,
 722 clinical nurse specialist, certified registered nurse
 723 anesthetist, certified nurse midwife, certified nurse
 724 practitioner, or advanced practice registered nurse, or
 725 independent advanced practice registered nurse practitioner or
 726 use the abbreviation "R.N.," "L.P.N.," "C.N.S.," "C.R.N.A.,"
 727 "C.N.M.," "C.N.P.," "A.P.R.N.," or "I.A.P.R.N." "A.R.N.P." or
 728 take any other action that would lead the public to believe that

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729 person was certified or registered as such or is performing
 730 nursing services pursuant to the exception set forth in s.
 731 464.022(8), unless that person is licensed, ~~or certified,~~ or
 732 registered to practice as such.

733 Section 5. Section 464.0155, Florida Statutes, is created
 734 to read:

735 464.0155 Reports of adverse incidents by independent
 736 advanced practice registered nurses.-

737 (1) Effective January 1, 2015, an independent advanced
 738 practice registered nurse must report an adverse incident to the
 739 board in accordance with this section.

740 (2) The report must be in writing, sent to the board by
 741 certified mail, and postmarked within 15 days after the adverse
 742 incident if the adverse incident occurs when the patient is at
 743 the office of the independent advanced practice registered
 744 nurse. If the adverse incident occurs when the patient is not at
 745 the office of the independent advanced practice registered
 746 nurse, the report must be postmarked within 15 days after the
 747 independent advanced practice registered nurse discovers, or
 748 reasonably should have discovered, the occurrence of the adverse
 749 incident.

750 (3) For the purpose of this section, the term "adverse
 751 incident" means any of the following events when it is
 752 reasonable to believe that the event is attributable to the
 753 prescription of a controlled substance by the independent
 754 advanced practice registered nurse:

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755 (a) Any condition that requires the transfer of a patient
 756 to a hospital licensed under chapter 395.

757 (b) Permanent physical injury to the patient.

758 (c) Death of the patient.

759 (4) The board shall review each adverse incident and
 760 determine whether the adverse incident is caused by the
 761 independent advanced practice registered nurse. The board may
 762 take disciplinary action upon such a finding, in which event s.
 763 456.073 applies.

764 Section 6. Paragraph (a) of subsection (2) of section
 765 464.016, Florida Statutes, is amended to read:

766 464.016 Violations and penalties.—

767 (2) Each of the following acts constitutes a misdemeanor
 768 of the first degree, punishable as provided in s. 775.082 or s.
 769 775.083:

770 (a) Using the name or title "Nurse," "Registered Nurse,"
 771 "Licensed Practical Nurse," "Clinical Nurse Specialist,"
 772 "Certified Registered Nurse Anesthetist," "Certified Nurse
 773 Midwife," "Certified Nurse Practitioner," "Advanced Practice
 774 Registered Nurse ~~Practitioner,~~" "Independent Advanced Practice
 775 Registered Nurse," or any other name or title which implies that
 776 a person was licensed or certified as same, unless such person
 777 is duly licensed or certified.

778 Section 7. Paragraphs (p), (q), (r), (s), (t), (u), (v),
 779 (w), (x), (y) and (z) are added to subsection (1) of section
 780 464.018, Florida Statutes, to read:

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781 464.018 Disciplinary actions.—

782 (1) The following acts constitute grounds for denial of a
783 license or disciplinary action, as specified in s. 456.072(2):

784 (p) Prescribing, dispensing, administering, mixing, or
785 otherwise preparing a legend drug, including any controlled
786 substance, other than in the course of the professional practice
787 of the independent advanced practice registered nurse or
788 advanced practice registered nurse. For the purposes of this
789 paragraph, it shall be legally presumed that prescribing,
790 dispensing, administering, mixing, or otherwise preparing legend
791 drugs, including all controlled substances, inappropriately or
792 in excessive or inappropriate quantities is not in the best
793 interest of the patient and is not in the course of the
794 professional practice of the independent advanced practice
795 registered nurse or advanced practice registered nurse, without
796 regard to the nurse's intent.

797 (q) Dispensing a controlled substance listed in Schedule
798 II or Schedule III in violation of s. 465.0276.

799 (r) Presigning blank prescription forms.

800 (s) Prescribing any medicinal drug appearing on Schedule
801 II in chapter 893 by the nurse for office use.

802 (t) Prescribing, ordering, dispensing, administering,
803 supplying, selling, or giving any Schedule II drug that is an
804 amphetamine or sympathomimetic amine or any compound thereof,
805 pursuant to chapter 893, to or for any person except for:

806 1. The treatment of narcolepsy; hyperkinesis; behavioral

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807 syndrome characterized by the developmentally inappropriate
 808 symptoms of moderate to severe distractability, short attention
 809 span, hyperactivity, emotional liability, and impulsivity; or
 810 drug-induced brain dysfunction;

811 2. The differential diagnostic psychiatric evaluation of
 812 depression or the treatment of depression shown to be refractory
 813 to other therapeutic modalities; or

814 3. The clinical investigation of the effects of such drugs
 815 or compounds when an investigative protocol therefor is
 816 submitted to, reviewed, and approved by the board before such
 817 investigation is begun.

818 (u) Prescribing, ordering, dispensing, administering,
 819 supplying, selling, or giving growth hormones, testosterone or
 820 its analogs, human chorionic gonadotropin (HCG), or other
 821 hormones for the purpose of muscle building or to enhance
 822 athletic performance. For the purposes of this subsection, the
 823 term "muscle building" does not include the treatment of injured
 824 muscle. A prescription written for the drug products listed
 825 above may be dispensed by the pharmacist with the presumption
 826 that the prescription is for legitimate medical use.

827 (v) Prescribing, ordering, dispensing, administering,
 828 supplying, selling, or giving amygdalin (laetrile) to any
 829 person.

830 (w) Promoting or advertising on any prescription form of a
 831 community pharmacy, unless the form shall also state "This
 832 prescription may be filled at any pharmacy of your choice."

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833 (x) Promoting or advertising through any communication
 834 media the use, sale, or dispensing of any controlled substance
 835 appearing on any schedule in chapter 893.

836 (y) Prescribing or dispensing any medicinal drug appearing
 837 on any schedule set forth in chapter 893 by the independent
 838 advanced practice registered nurse, or advanced practice
 839 registered nurse, for himself or herself or administering any
 840 such drug by the nurse to himself or herself unless such drug is
 841 prescribed for the nurse by another practitioner authorized to
 842 prescribe medicinal drugs.

843 (z) For an independent advanced practice registered nurse
 844 registered under s. 464.0125:

845 1. Paying or receiving any commission, bonus, kickback, or
 846 rebate, or engaging in any split-fee arrangement in any form
 847 whatsoever with a health care practitioner, organization,
 848 agency, or person, either directly or indirectly, for patients
 849 referred to providers of health care goods and services,
 850 including, but not limited to, hospitals, nursing homes,
 851 clinical laboratories, ambulatory surgical centers, or
 852 pharmacies. The provisions of this paragraph shall not be
 853 construed to prevent an independent advanced practice registered
 854 nurse from receiving a fee for professional consultation
 855 services.

856 2. Exercising influence within a patient-independent
 857 advanced practice registered nurse relationship for purposes of
 858 engaging a patient in sexual activity. A patient shall be

859 presumed to be incapable of giving free, full, and informed
 860 consent to sexual activity with his or her independent advanced
 861 practice registered nurse.

862 3. Making deceptive, untrue, or fraudulent representations
 863 in or related to the practice of advanced or specialized nursing
 864 or employing a trick or scheme in the practice of advanced or
 865 specialized nursing.

866 4. Soliciting patients, either personally or through an
 867 agent, through the use of fraud, intimidation, undue influence,
 868 or a form of overreaching or vexatious conduct. A solicitation
 869 is any communication which directly or implicitly requests an
 870 immediate oral response from the recipient.

871 5. Failing to keep legible, as defined by department rule
 872 in consultation with the board, medical records that identify
 873 the independent advanced practice registered nurse by name and
 874 professional title who is responsible for rendering, ordering,
 875 supervising, or billing for each diagnostic or treatment
 876 procedure and that justify the course of treatment of the
 877 patient, including, but not limited to, patient histories;
 878 examination results; test results; records of drugs prescribed,
 879 dispensed, or administered; and reports of consultations or
 880 referrals.

881 6. Exercising influence on the patient or client in such a
 882 manner as to exploit the patient or client for financial gain of
 883 the licensee or of a third party, which shall include, but not
 884 be limited to, the promoting or selling of services, goods,

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885 appliances, or drugs.

886 7. Performing professional services which have not been
 887 duly authorized by the patient or client, or his or her legal
 888 representative, except as provided in s. 766.103 or s. 768.13.

889 8. Performing any procedure or prescribing any therapy
 890 which, by the prevailing standards of advanced or specialized
 891 nursing practice in the community, would constitute
 892 experimentation on a human subject, without first obtaining
 893 full, informed, and written consent.

894 9. Delegating professional responsibilities to a person
 895 when the licensee delegating such responsibilities knows or has
 896 reason to know that such person is not qualified by training,
 897 experience, or licensure to perform them.

898 10. Conspiring with another independent advanced practice
 899 registered nurse or with any other person to commit an act, or
 900 committing an act, which would tend to coerce, intimidate, or
 901 preclude another independent advanced practice registered nurse
 902 from lawfully advertising his or her services.

903 11. Advertising or holding oneself out as having
 904 certification in a specialty which the independent advanced
 905 practice registered nurse has not received.

906 12. Failing to comply with the requirements of ss. 381.026
 907 and 381.0261 to provide patients with information about their
 908 patient rights and how to file a patient complaint.

909 13. Providing deceptive or fraudulent expert witness
 910 testimony related to the advanced or specialized practice of

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911 nursing.

912 Section 8. Paragraph (c) of subsection (3) and paragraph
913 (a) of subsection (4) of section 39.303, Florida Statutes, are
914 amended to read:

915 39.303 Child protection teams; services; eligible cases.—
916 The Children's Medical Services Program in the Department of
917 Health shall develop, maintain, and coordinate the services of
918 one or more multidisciplinary child protection teams in each of
919 the service districts of the Department of Children and Family
920 Services. Such teams may be composed of appropriate
921 representatives of school districts and appropriate health,
922 mental health, social service, legal service, and law
923 enforcement agencies. The Legislature finds that optimal
924 coordination of child protection teams and sexual abuse
925 treatment programs requires collaboration between the Department
926 of Health and the Department of Children and Family Services.
927 The two departments shall maintain an interagency agreement that
928 establishes protocols for oversight and operations of child
929 protection teams and sexual abuse treatment programs. The State
930 Surgeon General and the Deputy Secretary for Children's Medical
931 Services, in consultation with the Secretary of Children and
932 Family Services, shall maintain the responsibility for the
933 screening, employment, and, if necessary, the termination of
934 child protection team medical directors, at headquarters and in
935 the 15 districts. Child protection team medical directors shall
936 be responsible for oversight of the teams in the districts.

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937 (3) All abuse and neglect cases transmitted for
 938 investigation to a district by the hotline must be
 939 simultaneously transmitted to the Department of Health child
 940 protection team for review. For the purpose of determining
 941 whether face-to-face medical evaluation by a child protection
 942 team is necessary, all cases transmitted to the child protection
 943 team which meet the criteria in subsection (2) must be timely
 944 reviewed by:

945 (c) An advanced practice registered nurse certified, or an
 946 independent advanced practice registered nurse registered,
 947 ~~practitioner licensed~~ under chapter 464, who has a specialty
 948 ~~speciality~~ in pediatrics or family medicine and is a member of a
 949 child protection team;

950 (4) A face-to-face medical evaluation by a child
 951 protection team is not necessary when:

952 (a) The child was examined for the alleged abuse or
 953 neglect by a physician or an independent advanced practice
 954 registered nurse, who is not a member of the child protection
 955 team, and a consultation between the child protection team
 956 board-certified pediatrician, advanced practice registered nurse
 957 ~~practitioner,~~ physician assistant working under the supervision
 958 of a child protection team board-certified pediatrician, or
 959 registered nurse working under the direct supervision of a child
 960 protection team board-certified pediatrician, and the examining
 961 practitioner ~~physician~~ concludes that a further medical
 962 evaluation is unnecessary;

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963
 964 Notwithstanding paragraphs (a), (b), and (c), a child protection
 965 team pediatrician, as authorized in subsection (3), may
 966 determine that a face-to-face medical evaluation is necessary.

967 Section 9. Paragraph (b) of subsection (1) of section
 968 39.304, Florida Statutes, is amended to read:

969 39.304 Photographs, medical examinations, X rays, and
 970 medical treatment of abused, abandoned, or neglected child.—

971 (1)

972 (b) If the areas of trauma visible on a child indicate a
 973 need for a medical examination, or if the child verbally
 974 complains or otherwise exhibits distress as a result of injury
 975 through suspected child abuse, abandonment, or neglect, or is
 976 alleged to have been sexually abused, the person required to
 977 investigate may cause the child to be referred for diagnosis to
 978 a licensed physician, independent advanced practice registered
 979 nurse, or an emergency department in a hospital without the
 980 consent of the child's parents or legal custodian. Such
 981 examination may be performed by a ~~any~~ licensed physician, a
 982 registered independent advanced practice registered nurse, or a
 983 certified ~~an~~ advanced practice registered nurse ~~practitioner~~
 984 ~~licensed pursuant to part I of chapter 464~~. Any examining
 985 practitioner ~~licensed physician, or advanced registered nurse~~
 986 ~~practitioner licensed pursuant to part I of chapter 464~~, who has
 987 reasonable cause to suspect that an injury was the result of
 988 child abuse, abandonment, or neglect may authorize a

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989 radiological examination to be performed on the child without
 990 the consent of the child's parent or legal custodian.

991 Section 10. Paragraph (a) of subsection (1) of section
 992 90.503, Florida Statutes, is amended to read:

993 90.503 Psychotherapist-patient privilege.-

994 (1) For purposes of this section:

995 (a) A "psychotherapist" is:

996 1. A person authorized to practice medicine in any state
 997 or nation, or reasonably believed by the patient so to be, who
 998 is engaged in the diagnosis or treatment of a mental or
 999 emotional condition, including alcoholism and other drug
 1000 addiction;

1001 2. A person licensed or certified as a psychologist under
 1002 the laws of any state or nation, who is engaged primarily in the
 1003 diagnosis or treatment of a mental or emotional condition,
 1004 including alcoholism and other drug addiction;

1005 3. A person licensed or certified as a clinical social
 1006 worker, marriage and family therapist, or mental health
 1007 counselor under the laws of this state, who is engaged primarily
 1008 in the diagnosis or treatment of a mental or emotional
 1009 condition, including alcoholism and other drug addiction;

1010 4. Treatment personnel of facilities licensed by the state
 1011 pursuant to chapter 394, chapter 395, or chapter 397, of
 1012 facilities designated by the Department of Children and Families
 1013 ~~Family Services~~ pursuant to chapter 394 as treatment facilities,
 1014 or of facilities defined as community mental health centers

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1015 pursuant to s. 394.907(1), who are engaged primarily in the
 1016 diagnosis or treatment of a mental or emotional condition,
 1017 including alcoholism and other drug addiction; or

1018 5. An independent advanced practice registered nurse or
 1019 advanced practice registered nurse ~~practitioner certified under~~
 1020 ~~s. 464.012~~, whose primary scope of practice is the diagnosis or
 1021 treatment of mental or emotional conditions, including chemical
 1022 abuse, and limited only to actions performed in accordance with
 1023 part I of chapter 464.

1024 Section 11. Subsection (3) of section 110.12315, Florida
 1025 Statutes, is amended to read:

1026 110.12315 Prescription drug program.—The state employees'
 1027 prescription drug program is established. This program shall be
 1028 administered by the Department of Management Services, according
 1029 to the terms and conditions of the plan as established by the
 1030 relevant provisions of the annual General Appropriations Act and
 1031 implementing legislation, subject to the following conditions:

1032 (3) The Department of Management Services shall establish
 1033 the reimbursement schedule for prescription pharmaceuticals
 1034 dispensed under the program. Reimbursement rates for a
 1035 prescription pharmaceutical must be based on the cost of the
 1036 generic equivalent drug if a generic equivalent exists, unless
 1037 the health care practitioner ~~physician~~ prescribing the
 1038 pharmaceutical clearly states on the prescription that the brand
 1039 name drug is medically necessary or that the drug product is
 1040 included on the formulary of drug products that may not be

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1041 | interchanged as provided in chapter 465, in which case
 1042 | reimbursement must be based on the cost of the brand name drug
 1043 | as specified in the reimbursement schedule adopted by the
 1044 | Department of Management Services.

1045 | Section 12. Paragraph (e) of subsection (8) of section
 1046 | 112.0455, Florida Statutes, is amended to read:

1047 | 112.0455 Drug-Free Workplace Act.—

1048 | (8) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen
 1049 | collection and testing for drugs under this section shall be
 1050 | performed in accordance with the following procedures:

1051 | (e) A specimen for a drug test may be taken or collected
 1052 | by any of the following persons:

1053 | 1. A physician, a physician's assistant, an independent
 1054 | advanced practice registered nurse, an advanced practice
 1055 | registered nurse, a registered ~~professional~~ nurse, a licensed
 1056 | practical nurse, ~~a nurse practitioner,~~ or a certified paramedic
 1057 | who is present at the scene of an accident for the purpose of
 1058 | rendering emergency medical service or treatment.

1059 | 2. A qualified person employed by a licensed laboratory.

1060 | Section 13. Paragraph (f) of subsection (3) of section
 1061 | 121.0515, Florida Statutes, is amended to read:

1062 | 121.0515 Special Risk Class.—

1063 | (3) CRITERIA.—A member, to be designated as a special risk
 1064 | member, must meet the following criteria:

1065 | (f) Effective January 1, 2001, the member must be employed
 1066 | in one of the following classes and must spend at least 75

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1067 | percent of his or her time performing duties which involve
 1068 | contact with patients or inmates in a correctional or forensic
 1069 | facility or institution:
 1070 | 1. Dietitian (class codes 5203 and 5204);
 1071 | 2. Public health nutrition consultant (class code 5224);
 1072 | 3. Psychological specialist (class codes 5230 and 5231);
 1073 | 4. Psychologist (class code 5234);
 1074 | 5. Senior psychologist (class codes 5237 and 5238);
 1075 | 6. Regional mental health consultant (class code 5240);
 1076 | 7. Psychological Services Director—DCF (class code 5242);
 1077 | 8. Pharmacist (class codes 5245 and 5246);
 1078 | 9. Senior pharmacist (class codes 5248 and 5249);
 1079 | 10. Dentist (class code 5266);
 1080 | 11. Senior dentist (class code 5269);
 1081 | 12. Registered nurse (class codes 5290 and 5291);
 1082 | 13. Senior registered nurse (class codes 5292 and 5293);
 1083 | 14. Registered nurse specialist (class codes 5294 and
 1084 | 5295);
 1085 | 15. Clinical associate (class codes 5298 and 5299);
 1086 | 16. Advanced practice registered nurse ~~practitioner~~ (class
 1087 | codes 5297 and 5300);
 1088 | 17. Advanced practice registered nurse ~~practitioner~~
 1089 | specialist (class codes 5304 and 5305);
 1090 | 18. Registered nurse supervisor (class codes 5306 and
 1091 | 5307);
 1092 | 19. Senior registered nurse supervisor (class codes 5308

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1093 and 5309);

1094 20. Registered nursing consultant (class codes 5312 and

1095 5313);

1096 21. Quality management program supervisor (class code

1097 5314);

1098 22. Executive nursing director (class codes 5320 and

1099 5321);

1100 23. Speech and hearing therapist (class code 5406); or

1101 24. Pharmacy manager (class code 5251);

1102 Section 14. Paragraph (a) of subsection (3) of section

1103 252.515, Florida Statutes, is amended to read:

1104 252.515 Postdisaster Relief Assistance Act; immunity from

1105 civil liability.—

1106 (3) As used in this section, the term:

1107 (a) "Emergency first responder" means:

1108 1. A physician licensed under chapter 458.

1109 2. An osteopathic physician licensed under chapter 459.

1110 3. A chiropractic physician licensed under chapter 460.

1111 4. A podiatric physician licensed under chapter 461.

1112 5. A dentist licensed under chapter 466.

1113 6. An advanced practice registered nurse ~~practitioner~~

1114 certified under s. 464.012.

1115 7. A physician assistant licensed under s. 458.347 or s.

1116 459.022.

1117 8. A worker employed by a public or private hospital in

1118 the state.

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1119 9. A paramedic as defined in s. 401.23(17).
 1120 10. An emergency medical technician as defined in s.
 1121 401.23(11).
 1122 11. A firefighter as defined in s. 633.102.
 1123 12. A law enforcement officer as defined in s. 943.10.
 1124 13. A member of the Florida National Guard.
 1125 14. Any other personnel designated as emergency personnel
 1126 by the Governor pursuant to a declared emergency.
 1127 Section 15. Paragraph (c) of subsection (1) of section
 1128 310.071, Florida Statutes, is amended to read:
 1129 310.071 Deputy pilot certification.—
 1130 (1) In addition to meeting other requirements specified in
 1131 this chapter, each applicant for certification as a deputy pilot
 1132 must:
 1133 (c) Be in good physical and mental health, as evidenced by
 1134 documentary proof of having satisfactorily passed a complete
 1135 physical examination administered by a licensed physician or
 1136 independent advanced practice registered nurse within the
 1137 preceding 6 months. The board shall adopt rules to establish
 1138 requirements for passing the physical examination, which rules
 1139 shall establish minimum standards for the physical or mental
 1140 capabilities necessary to carry out the professional duties of a
 1141 certificated deputy pilot. Such standards shall include zero
 1142 tolerance for any controlled substance regulated under chapter
 1143 893 unless that individual is under the care of a physician, an
 1144 independent advanced practice registered nurse, or an advanced

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1145 practice registered nurse and that controlled substance was
 1146 prescribed by that physician, independent advanced practice
 1147 registered nurse, or advanced practice registered nurse. To
 1148 maintain eligibility as a certificated deputy pilot, each
 1149 certificated deputy pilot must annually provide documentary
 1150 proof of having satisfactorily passed a complete physical
 1151 examination administered by a licensed physician or independent
 1152 advanced practice registered nurse. The examining practitioner
 1153 ~~physician~~ must know the minimum standards and certify that the
 1154 certificateholder satisfactorily meets the standards. The
 1155 standards for certificateholders shall include a drug test.

1156 Section 16. Subsection (3) of section 310.073, Florida
 1157 Statutes, is amended to read:

1158 310.073 State pilot licensing.—In addition to meeting
 1159 other requirements specified in this chapter, each applicant for
 1160 license as a state pilot must:

1161 (3) Be in good physical and mental health, as evidenced by
 1162 documentary proof of having satisfactorily passed a complete
 1163 physical examination administered by a licensed physician or an
 1164 independent advanced practice registered nurse within the
 1165 preceding 6 months. The board shall adopt rules to establish
 1166 requirements for passing the physical examination, which rules
 1167 shall establish minimum standards for the physical or mental
 1168 capabilities necessary to carry out the professional duties of a
 1169 licensed state pilot. Such standards shall include zero
 1170 tolerance for any controlled substance regulated under chapter

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1171 893 unless that individual is under the care of a physician, an
 1172 independent advanced practice registered nurse, or an advanced
 1173 practice registered nurse and that controlled substance was
 1174 prescribed by that physician, independent advanced practice
 1175 registered nurse, or advanced practice registered nurse. To
 1176 maintain eligibility as a licensed state pilot, each licensed
 1177 state pilot must annually provide documentary proof of having
 1178 satisfactorily passed a complete physical examination
 1179 administered by a licensed physician or an independent advanced
 1180 practice registered nurse. The examining practitioner ~~physician~~
 1181 must know the minimum standards and certify that the licensee
 1182 satisfactorily meets the standards. The standards for licensees
 1183 shall include a drug test.

1184 Section 17. Paragraph (b) of subsection (3) of section
 1185 310.081, Florida Statutes, is amended to read:

1186 310.081 Department to examine and license state pilots and
 1187 certificate deputy pilots; vacancies.-

1188 (3) Pilots shall hold their licenses or certificates
 1189 pursuant to the requirements of this chapter so long as they:

1190 (b) Are in good physical and mental health as evidenced by
 1191 documentary proof of having satisfactorily passed a physical
 1192 examination administered by a licensed physician, an independent
 1193 advanced practice registered nurse, or a physician assistant
 1194 within each calendar year. The board shall adopt rules to
 1195 establish requirements for passing the physical examination,
 1196 which rules shall establish minimum standards for the physical

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1197 or mental capabilities necessary to carry out the professional
 1198 duties of a licensed state pilot or a certificated deputy pilot.
 1199 Such standards shall include zero tolerance for any controlled
 1200 substance regulated under chapter 893 unless that individual is
 1201 under the care of a physician, an independent advanced practice
 1202 registered nurse, or an advanced practice registered nurse and
 1203 that controlled substance was prescribed by that physician,
 1204 independent advanced practice registered nurse, or advanced
 1205 practice registered nurse. To maintain eligibility as a
 1206 certificated deputy pilot or licensed state pilot, each
 1207 certificated deputy pilot or licensed state pilot must annually
 1208 provide documentary proof of having satisfactorily passed a
 1209 complete physical examination administered by a licensed
 1210 physician or an independent advanced practice registered nurse.
 1211 The physician or independent advanced practice registered nurse
 1212 must know the minimum standards and certify that the
 1213 certificateholder or licensee satisfactorily meets the
 1214 standards. The standards for certificateholders and for
 1215 licensees shall include a drug test.

1216
 1217 Upon resignation or in the case of disability permanently
 1218 affecting a pilot's ability to serve, the state license or
 1219 certificate issued under this chapter shall be revoked by the
 1220 department.

1221 Section 18. Paragraph (b) of subsection (1) of section
 1222 320.0848, Florida Statutes, is amended to read:

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1223 320.0848 Persons who have disabilities; issuance of
 1224 disabled parking permits; temporary permits; permits for certain
 1225 providers of transportation services to persons who have
 1226 disabilities.-

1227 (1)

1228 (b)1. The person must be currently certified as being
 1229 legally blind or as having any of the following disabilities
 1230 that render him or her unable to walk 200 feet without stopping
 1231 to rest:

1232 a. Inability to walk without the use of or assistance from
 1233 a brace, cane, crutch, prosthetic device, or other assistive
 1234 device, or without the assistance of another person. If the
 1235 assistive device significantly restores the person's ability to
 1236 walk to the extent that the person can walk without severe
 1237 limitation, the person is not eligible for the exemption parking
 1238 permit.

1239 b. The need to permanently use a wheelchair.

1240 c. Restriction by lung disease to the extent that the
 1241 person's forced (respiratory) expiratory volume for 1 second,
 1242 when measured by spirometry, is less than 1 liter, or the
 1243 person's arterial oxygen is less than 60 mm/hg on room air at
 1244 rest.

1245 d. Use of portable oxygen.

1246 e. Restriction by cardiac condition to the extent that the
 1247 person's functional limitations are classified in severity as
 1248 Class III or Class IV according to standards set by the American

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1249 Heart Association.

1250 f. Severe limitation in the person's ability to walk due

1251 to an arthritic, neurological, or orthopedic condition.

1252 2. The certification of disability which is required under

1253 subparagraph 1. must be provided by a physician licensed under

1254 chapter 458, chapter 459, or chapter 460;~~;~~; by a podiatric

1255 physician licensed under chapter 461;~~;~~; by an optometrist

1256 licensed under chapter 463;~~;~~; by an independent advanced practice

1257 registered nurse registered, or an advanced practice registered

1258 nurse certified, practitioner licensed under part I of chapter

1259 464; under the protocol of a licensed physician as stated in

1260 this subparagraph, by a physician assistant licensed under

1261 chapter 458 or chapter 459;~~;~~ or by a similarly licensed

1262 physician from another state if the application is accompanied

1263 by documentation of the physician's licensure in the other state

1264 and a form signed by the out-of-state physician verifying his or

1265 her knowledge of this state's eligibility guidelines.

1266 Section 19. Paragraph (b) of subsection (1) of section

1267 381.00315, Florida Statutes, is amended to read:

1268 381.00315 Public health advisories; public health

1269 emergencies; quarantines.—The State Health Officer is

1270 responsible for declaring public health emergencies and

1271 quarantines and issuing public health advisories.

1272 (1) As used in this section, the term:

1273 (b) "Public health emergency" means any occurrence, or

1274 threat thereof, whether natural or man made, which results or

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1275 | may result in substantial injury or harm to the public health
 1276 | from infectious disease, chemical agents, nuclear agents,
 1277 | biological toxins, or situations involving mass casualties or
 1278 | natural disasters. Prior to declaring a public health emergency,
 1279 | the State Health Officer shall, to the extent possible, consult
 1280 | with the Governor and shall notify the Chief of Domestic
 1281 | Security. The declaration of a public health emergency shall
 1282 | continue until the State Health Officer finds that the threat or
 1283 | danger has been dealt with to the extent that the emergency
 1284 | conditions no longer exist and he or she terminates the
 1285 | declaration. However, a declaration of a public health emergency
 1286 | may not continue for longer than 60 days unless the Governor
 1287 | concurs in the renewal of the declaration. The State Health
 1288 | Officer, upon declaration of a public health emergency, may take
 1289 | actions that are necessary to protect the public health. Such
 1290 | actions include, but are not limited to:

1291 | 1. Directing manufacturers of prescription drugs or over-
 1292 | the-counter drugs who are permitted under chapter 499 and
 1293 | wholesalers of prescription drugs located in this state who are
 1294 | permitted under chapter 499 to give priority to the shipping of
 1295 | specified drugs to pharmacies and health care providers within
 1296 | geographic areas that have been identified by the State Health
 1297 | Officer. The State Health Officer must identify the drugs to be
 1298 | shipped. Manufacturers and wholesalers located in the state must
 1299 | respond to the State Health Officer's priority shipping
 1300 | directive before shipping the specified drugs.

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1301 2. Notwithstanding chapters 465 and 499 and rules adopted
 1302 thereunder, directing pharmacists employed by the department to
 1303 compound bulk prescription drugs and provide these bulk
 1304 prescription drugs to physicians and nurses of county health
 1305 departments or any qualified person authorized by the State
 1306 Health Officer for administration to persons as part of a
 1307 prophylactic or treatment regimen.

1308 3. Notwithstanding s. 456.036, temporarily reactivating
 1309 the inactive license of the following health care practitioners,
 1310 when such practitioners are needed to respond to the public
 1311 health emergency: physicians licensed under chapter 458 or
 1312 chapter 459; physician assistants licensed under chapter 458 or
 1313 chapter 459; independent advanced practice registered nurses
 1314 registered, ~~licensed~~ practical nurses, or registered nurses
 1315 licensed, and advanced practice registered nurses certified
 1316 ~~nurse practitioners licensed~~ under part I of chapter 464;
 1317 respiratory therapists licensed under part V of chapter 468; and
 1318 emergency medical technicians and paramedics certified under
 1319 part III of chapter 401. Only those health care practitioners
 1320 specified in this paragraph who possess an unencumbered inactive
 1321 license and who request that such license be reactivated are
 1322 eligible for reactivation. An inactive license that is
 1323 reactivated under this paragraph shall return to inactive status
 1324 when the public health emergency ends or prior to the end of the
 1325 public health emergency if the State Health Officer determines
 1326 that the health care practitioner is no longer needed to provide

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1327 services during the public health emergency. Such licenses may
 1328 only be reactivated for a period not to exceed 90 days without
 1329 meeting the requirements of s. 456.036 or chapter 401, as
 1330 applicable.

1331 4. Ordering an individual to be examined, tested,
 1332 vaccinated, treated, or quarantined for communicable diseases
 1333 that have significant morbidity or mortality and present a
 1334 severe danger to public health. Individuals who are unable or
 1335 unwilling to be examined, tested, vaccinated, or treated for
 1336 reasons of health, religion, or conscience may be subjected to
 1337 quarantine.

1338 a. Examination, testing, vaccination, or treatment may be
 1339 performed by any qualified person authorized by the State Health
 1340 Officer.

1341 b. If the individual poses a danger to the public health,
 1342 the State Health Officer may subject the individual to
 1343 quarantine. If there is no practical method to quarantine the
 1344 individual, the State Health Officer may use any means necessary
 1345 to vaccinate or treat the individual.

1346
 1347 Any order of the State Health Officer given to effectuate this
 1348 paragraph shall be immediately enforceable by a law enforcement
 1349 officer under s. 381.0012.

1350 Section 20. Subsection (3) of section 381.00593, Florida
 1351 Statutes, is amended to read:

1352 381.00593 Public school volunteer health care practitioner

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1353 program.—

1354 (3) For purposes of this section, the term "health care
 1355 practitioner" means a physician licensed under chapter 458; an
 1356 osteopathic physician licensed under chapter 459; a chiropractic
 1357 physician licensed under chapter 460; a podiatric physician
 1358 licensed under chapter 461; an optometrist licensed under
 1359 chapter 463; an independent advanced practice registered nurse
 1360 registered, an advanced practice registered nurse certified
 1361 practitioner, or a registered nurse, or ~~licensed practical nurse~~
 1362 ~~licensed,~~ under part I of chapter 464; a pharmacist licensed
 1363 under chapter 465; a dentist or dental hygienist licensed under
 1364 chapter 466; a midwife licensed under chapter 467; a speech-
 1365 language pathologist or audiologist licensed under part I of
 1366 chapter 468; a dietitian/nutritionist licensed under part X of
 1367 chapter 468; or a physical therapist licensed under chapter 486.

1368 Section 21. Paragraph (c) of subsection (2) of section
 1369 381.026, Florida Statutes, is amended to read:

1370 381.026 Florida Patient's Bill of Rights and
 1371 Responsibilities.—

1372 (2) DEFINITIONS.—As used in this section and s. 381.0261,
 1373 the term:

1374 (c) "Health care provider" means a physician licensed
 1375 under chapter 458, an osteopathic physician licensed under
 1376 chapter 459, ~~or~~ a podiatric physician licensed under chapter
 1377 461, or an independent advanced practice registered nurse
 1378 registered under part I of chapter 464.

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1379 Section 22. Paragraph (a) of subsection (2), paragraph (b)
 1380 of subsection (3), and subsections (4) and (5) of section
 1381 382.008, Florida Statutes, are amended to read:

1382 382.008 Death and fetal death registration.—

1383 (2) (a) The funeral director who first assumes custody of a
 1384 dead body or fetus shall file the certificate of death or fetal
 1385 death. In the absence of the funeral director, the physician,
 1386 independent advanced practice registered nurse, advanced
 1387 practice registered nurse, or other person in attendance at or
 1388 after the death or the district medical examiner of the county
 1389 in which the death occurred or the body was found shall file the
 1390 certificate of death or fetal death. The person who files the
 1391 certificate shall obtain personal data from the next of kin or
 1392 the best qualified person or source available. The medical
 1393 certification of cause of death shall be furnished to the
 1394 funeral director, either in person or via certified mail or
 1395 electronic transfer, by the physician, independent advanced
 1396 practice registered nurse, advanced practice registered nurse,
 1397 or medical examiner responsible for furnishing such information.
 1398 For fetal deaths, the physician, certified nurse midwife,
 1399 midwife, or hospital administrator shall provide any medical or
 1400 health information to the funeral director within 72 hours after
 1401 expulsion or extraction.

1402 (3) Within 72 hours after receipt of a death or fetal
 1403 death certificate from the funeral director, the medical
 1404 certification of cause of death shall be completed and made

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1405 available to the funeral director by the decedent's primary or
 1406 attending practitioner ~~physician~~ or, if s. 382.011 applies, the
 1407 district medical examiner of the county in which the death
 1408 occurred or the body was found. The primary or attending
 1409 practitioner ~~physician~~ or the medical examiner shall certify
 1410 over his or her signature the cause of death to the best of his
 1411 or her knowledge and belief. As used in this section, the term
 1412 "primary or attending practitioner ~~physician~~" means a physician,
 1413 independent advanced practice registered nurse, or advanced
 1414 practice registered nurse, who treated the decedent through
 1415 examination, medical advice, or medication during the 12 months
 1416 preceding the date of death.

1417 (b) If the decedent's primary or attending practitioner,
 1418 ~~physician~~ or the district medical examiner of the county in
 1419 which the death occurred or the body was found, indicates that
 1420 he or she will sign and complete the medical certification of
 1421 cause of death but will not be available until after the 5-day
 1422 registration deadline, the local registrar may grant an
 1423 extension of 5 days. If a further extension is required, the
 1424 funeral director must provide written justification to the
 1425 registrar.

1426 (4) If the department or local registrar grants an
 1427 extension of time to provide the medical certification of cause
 1428 of death, the funeral director shall file a temporary
 1429 certificate of death or fetal death which shall contain all
 1430 available information, including the fact that the cause of

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1431 death is pending. The decedent's primary or attending
 1432 practitioner ~~physician~~ or the district medical examiner of the
 1433 county in which the death occurred or the body was found shall
 1434 provide an estimated date for completion of the permanent
 1435 certificate.

1436 (5) A permanent certificate of death or fetal death,
 1437 containing the cause of death and any other information that was
 1438 previously unavailable, shall be registered as a replacement for
 1439 the temporary certificate. The permanent certificate may also
 1440 include corrected information if the items being corrected are
 1441 noted on the back of the certificate and dated and signed by the
 1442 funeral director, physician, independent advanced practice
 1443 registered nurse, advanced practice registered nurse, or
 1444 district medical examiner of the county in which the death
 1445 occurred or the body was found, as appropriate.

1446 Section 23. Paragraph (c) of subsection (1) of section
 1447 383.141, Florida Statutes, is amended to read:

1448 383.141 Prenatally diagnosed conditions; patient to be
 1449 provided information; definitions; information clearinghouse;
 1450 advisory council.—

1451 (1) As used in this section, the term:

1452 (c) "Health care provider" means a practitioner licensed
 1453 or registered under chapter 458 or chapter 459, or an
 1454 independent advanced practice registered nurse registered, or an
 1455 advanced practice registered nurse ~~practitioner~~ certified, under
 1456 part I of chapter 464.

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1457 Section 24. Paragraph (a) of subsection (3) of section
 1458 390.0111, Florida Statutes, is amended to read:

1459 390.0111 Termination of pregnancies.—

1460 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
 1461 be performed or induced except with the voluntary and informed
 1462 written consent of the pregnant woman or, in the case of a
 1463 mental incompetent, the voluntary and informed written consent
 1464 of her court-appointed guardian.

1465 (a) Except in the case of a medical emergency, consent to
 1466 a termination of pregnancy is voluntary and informed only if:

1467 1. The physician who is to perform the procedure, or the
 1468 referring physician, has, at a minimum, orally, in person,
 1469 informed the woman of:

1470 a. The nature and risks of undergoing or not undergoing
 1471 the proposed procedure that a reasonable patient would consider
 1472 material to making a knowing and willful decision of whether to
 1473 terminate a pregnancy.

1474 b. The probable gestational age of the fetus, verified by
 1475 an ultrasound, at the time the termination of pregnancy is to be
 1476 performed.

1477 (I) The ultrasound must be performed by the physician who
 1478 is to perform the abortion or by a person having documented
 1479 evidence that he or she has completed a course in the operation
 1480 of ultrasound equipment as prescribed by rule and who is working
 1481 in conjunction with the physician.

1482 (II) The person performing the ultrasound must offer the

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1483 woman the opportunity to view the live ultrasound images and
 1484 hear an explanation of them. If the woman accepts the
 1485 opportunity to view the images and hear the explanation, a
 1486 physician or a registered nurse, licensed practical nurse,
 1487 advanced practice registered nurse ~~practitioner~~, independent
 1488 advanced practice registered nurse, or physician assistant
 1489 working in conjunction with the physician must contemporaneously
 1490 review and explain the images to the woman before the woman
 1491 gives informed consent to having an abortion procedure
 1492 performed.

1493 (III) The woman has a right to decline to view and hear
 1494 the explanation of the live ultrasound images after she is
 1495 informed of her right and offered an opportunity to view the
 1496 images and hear the explanation. If the woman declines, the
 1497 woman shall complete a form acknowledging that she was offered
 1498 an opportunity to view and hear the explanation of the images
 1499 but that she declined that opportunity. The form must also
 1500 indicate that the woman's decision was not based on any undue
 1501 influence from any person to discourage her from viewing the
 1502 images or hearing the explanation and that she declined of her
 1503 own free will.

1504 (IV) Unless requested by the woman, the person performing
 1505 the ultrasound may not offer the opportunity to view the images
 1506 and hear the explanation and the explanation may not be given
 1507 if, at the time the woman schedules or arrives for her
 1508 appointment to obtain an abortion, a copy of a restraining

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1509 order, police report, medical record, or other court order or
 1510 documentation is presented which provides evidence that the
 1511 woman is obtaining the abortion because the woman is a victim of
 1512 rape, incest, domestic violence, or human trafficking or that
 1513 the woman has been diagnosed as having a condition that, on the
 1514 basis of a physician's good faith clinical judgment, would
 1515 create a serious risk of substantial and irreversible impairment
 1516 of a major bodily function if the woman delayed terminating her
 1517 pregnancy.

1518 c. The medical risks to the woman and fetus of carrying
 1519 the pregnancy to term.

1520 2. Printed materials prepared and provided by the
 1521 department have been provided to the pregnant woman, if she
 1522 chooses to view these materials, including:

1523 a. A description of the fetus, including a description of
 1524 the various stages of development.

1525 b. A list of entities that offer alternatives to
 1526 terminating the pregnancy.

1527 c. Detailed information on the availability of medical
 1528 assistance benefits for prenatal care, childbirth, and neonatal
 1529 care.

1530 3. The woman acknowledges in writing, before the
 1531 termination of pregnancy, that the information required to be
 1532 provided under this subsection has been provided.

1533

1534 Nothing in this paragraph is intended to prohibit a physician

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1535 | from providing any additional information which the physician
 1536 | deems material to the woman's informed decision to terminate her
 1537 | pregnancy.

1538 | Section 25. Paragraphs (c), (e), and (f) of subsection (3)
 1539 | of section 390.012, Florida Statutes, are amended to read:

1540 | 390.012 Powers of agency; rules; disposal of fetal
 1541 | remains.—

1542 | (3) For clinics that perform or claim to perform abortions
 1543 | after the first trimester of pregnancy, the agency shall adopt
 1544 | rules pursuant to ss. 120.536(1) and 120.54 to implement the
 1545 | provisions of this chapter, including the following:

1546 | (c) Rules relating to abortion clinic personnel. At a
 1547 | minimum, these rules shall require that:

1548 | 1. The abortion clinic designate a medical director who is
 1549 | licensed to practice medicine in this state and who has
 1550 | admitting privileges at a licensed hospital in this state or has
 1551 | a transfer agreement with a licensed hospital within reasonable
 1552 | proximity of the clinic.

1553 | 2. If a physician is not present after an abortion is
 1554 | performed, a registered nurse, licensed practical nurse,
 1555 | advanced practice registered nurse ~~practitioner~~, independent
 1556 | advanced practice registered nurse, or physician assistant shall
 1557 | be present and remain at the clinic to provide postoperative
 1558 | monitoring and care until the patient is discharged.

1559 | 3. Surgical assistants receive training in counseling,
 1560 | patient advocacy, and the specific responsibilities associated

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1561 with the services the surgical assistants provide.

1562 4. Volunteers receive training in the specific
 1563 responsibilities associated with the services the volunteers
 1564 provide, including counseling and patient advocacy as provided
 1565 in the rules adopted by the director for different types of
 1566 volunteers based on their responsibilities.

1567 (e) Rules relating to the abortion procedure. At a
 1568 minimum, these rules shall require:

1569 1. That a physician, registered nurse, licensed practical
 1570 nurse, advanced practice registered nurse ~~practitioner~~,
 1571 independent advanced practice registered nurse, or physician
 1572 assistant is available to all patients throughout the abortion
 1573 procedure.

1574 2. Standards for the safe conduct of abortion procedures
 1575 that conform to obstetric standards in keeping with established
 1576 standards of care regarding the estimation of fetal age as
 1577 defined in rule.

1578 3. Appropriate use of general and local anesthesia,
 1579 analgesia, and sedation if ordered by the physician.

1580 4. Appropriate precautions, such as the establishment of
 1581 intravenous access at least for patients undergoing post-first
 1582 trimester abortions.

1583 5. Appropriate monitoring of the vital signs and other
 1584 defined signs and markers of the patient's status throughout the
 1585 abortion procedure and during the recovery period until the
 1586 patient's condition is deemed to be stable in the recovery room.

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1587 (f) Rules that prescribe minimum recovery room standards.
 1588 At a minimum, these rules shall require that:
 1589 1. Postprocedure recovery rooms are supervised and staffed
 1590 to meet the patients' needs.
 1591 2. Immediate postprocedure care consists of observation in
 1592 a supervised recovery room for as long as the patient's
 1593 condition warrants.
 1594 3. The clinic arranges hospitalization if any complication
 1595 beyond the medical capability of the staff occurs or is
 1596 suspected.
 1597 4. A registered nurse, licensed practical nurse, advanced
 1598 practice registered nurse ~~practitioner~~, independent advanced
 1599 practice registered nurse, or physician assistant who is trained
 1600 in the management of the recovery area and is capable of
 1601 providing basic cardiopulmonary resuscitation and related
 1602 emergency procedures remains on the premises of the abortion
 1603 clinic until all patients are discharged.
 1604 5. A physician shall sign the discharge order and be
 1605 readily accessible and available until the last patient is
 1606 discharged to facilitate the transfer of emergency cases if
 1607 hospitalization of the patient or viable fetus is necessary.
 1608 6. A physician discusses Rho(D) immune globulin with each
 1609 patient for whom it is indicated and ensures that it is offered
 1610 to the patient in the immediate postoperative period or that it
 1611 will be available to her within 72 hours after completion of the
 1612 abortion procedure. If the patient refuses the Rho(D) immune

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1613 globulin, a refusal form approved by the agency shall be signed
 1614 by the patient and a witness and included in the medical record.

1615 7. Written instructions with regard to postabortion
 1616 coitus, signs of possible problems, and general aftercare are
 1617 given to each patient. Each patient shall have specific written
 1618 instructions regarding access to medical care for complications,
 1619 including a telephone number to call for medical emergencies.

1620 8. There is a specified minimum length of time that a
 1621 patient remains in the recovery room by type of abortion
 1622 procedure and duration of gestation.

1623 9. The physician ensures that a registered nurse, licensed
 1624 practical nurse, advanced practice registered nurse
 1625 ~~practitioner~~, independent advanced practice registered nurse, or
 1626 physician assistant from the abortion clinic makes a good faith
 1627 effort to contact the patient by telephone, with the patient's
 1628 consent, within 24 hours after surgery to assess the patient's
 1629 recovery.

1630 10. Equipment and services are readily accessible to
 1631 provide appropriate emergency resuscitative and life support
 1632 procedures pending the transfer of the patient or viable fetus
 1633 to the hospital.

1634 Section 26. Subsection (23) of section 394.455, Florida
 1635 Statutes, is amended to read:

1636 394.455 Definitions.—As used in this part, unless the
 1637 context clearly requires otherwise, the term:

1638 (23) "Psychiatric nurse" means a registered nurse licensed

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1639 under part I of chapter 464 who has a master's degree or a
 1640 doctorate in psychiatric nursing and 2 years of post-master's
 1641 clinical experience under the supervision of a physician, or an
 1642 independent advanced practice registered nurse registered, or an
 1643 advanced practice registered nurse certified, under part I of
 1644 chapter 464, who obtains national certification as a
 1645 psychiatric-mental health advanced practice nurse.

1646 Section 27. Paragraph (a) and (f) of subsection (2) of
 1647 section 394.463, Florida Statutes, is amended to read:

1648 394.463 Involuntary examination.—

1649 (2) INVOLUNTARY EXAMINATION.—

1650 (a) An involuntary examination may be initiated by any one
 1651 of the following means:

1652 1. A court may enter an ex parte order stating that a
 1653 person appears to meet the criteria for involuntary examination,
 1654 giving the findings on which that conclusion is based. The ex
 1655 parte order for involuntary examination must be based on sworn
 1656 testimony, written or oral. If other less restrictive means are
 1657 not available, such as voluntary appearance for outpatient
 1658 evaluation, a law enforcement officer, or other designated agent
 1659 of the court, shall take the person into custody and deliver him
 1660 or her to the nearest receiving facility for involuntary
 1661 examination. The order of the court shall be made a part of the
 1662 patient's clinical record. No fee shall be charged for the
 1663 filing of an order under this subsection. Any receiving facility
 1664 accepting the patient based on this order must send a copy of

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1665 the order to the Agency for Health Care Administration on the
 1666 next working day. The order shall be valid only until executed
 1667 or, if not executed, for the period specified in the order
 1668 itself. If no time limit is specified in the order, the order
 1669 shall be valid for 7 days after the date that the order was
 1670 signed.

1671 2. A law enforcement officer shall take a person who
 1672 appears to meet the criteria for involuntary examination into
 1673 custody and deliver the person or have him or her delivered to
 1674 the nearest receiving facility for examination. The officer
 1675 shall execute a written report detailing the circumstances under
 1676 which the person was taken into custody, and the report shall be
 1677 made a part of the patient's clinical record. Any receiving
 1678 facility accepting the patient based on this report must send a
 1679 copy of the report to the Agency for Health Care Administration
 1680 on the next working day.

1681 3. A physician, clinical psychologist, psychiatric nurse,
 1682 independent advanced practice registered nurse, advanced
 1683 practice registered nurse, mental health counselor, marriage and
 1684 family therapist, or clinical social worker may execute a
 1685 certificate stating that he or she has examined a person within
 1686 the preceding 48 hours and finds that the person appears to meet
 1687 the criteria for involuntary examination and stating the
 1688 observations upon which that conclusion is based. If other less
 1689 restrictive means are not available, such as voluntary
 1690 appearance for outpatient evaluation, a law enforcement officer

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1691 shall take the person named in the certificate into custody and
 1692 deliver him or her to the nearest receiving facility for
 1693 involuntary examination. The law enforcement officer shall
 1694 execute a written report detailing the circumstances under which
 1695 the person was taken into custody. The report and certificate
 1696 shall be made a part of the patient's clinical record. Any
 1697 receiving facility accepting the patient based on this
 1698 certificate must send a copy of the certificate to the Agency
 1699 for Health Care Administration on the next working day.

1700 (f) A patient shall be examined by a physician, ~~or~~
 1701 clinical psychologist, or psychiatric nurse at a receiving
 1702 facility without unnecessary delay and may, upon the order of a
 1703 physician, be given emergency treatment if it is determined that
 1704 such treatment is necessary for the safety of the patient or
 1705 others. The patient may not be released by the receiving
 1706 facility or its contractor without the documented approval of a
 1707 psychiatrist, a clinical psychologist, a psychiatric nurse, or,
 1708 if the receiving facility is a hospital, the release may also be
 1709 approved by an attending emergency department physician with
 1710 experience in the diagnosis and treatment of mental and nervous
 1711 disorders and after completion of an involuntary examination
 1712 pursuant to this subsection. However, a patient may not be held
 1713 in a receiving facility for involuntary examination longer than
 1714 72 hours.

1715 Section 28. Paragraphs (a) and (b) of subsection (2) and
 1716 subsection (4) of section 395.0191, Florida Statutes, are

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1717 amended to read:

1718 395.0191 Staff membership and clinical privileges.—

1719 (2) (a) Each licensed facility shall establish rules and
 1720 procedures for consideration of an application for clinical
 1721 privileges submitted by an independent advanced practice
 1722 registered nurse registered, or an advanced practice registered
 1723 nurse practitioner licensed and certified, under part I of
 1724 chapter 464, in accordance with the provisions of this section.
 1725 No licensed facility shall deny such application solely because
 1726 the applicant is registered or certified ~~licensed~~ under part I
 1727 of chapter 464 or because the applicant is not a participant in
 1728 the Florida Birth-Related Neurological Injury Compensation Plan.

1729 (b) An advanced practice registered nurse ~~practitioner~~ who
 1730 is a certified ~~as a~~ registered nurse anesthetist ~~licensed~~ under
 1731 part I of chapter 464 shall administer anesthesia under the
 1732 onsite medical direction of a professional licensed under
 1733 chapter 458, chapter 459, or chapter 466, and in accordance with
 1734 an established protocol approved by the medical staff. The
 1735 medical direction shall specifically address the needs of the
 1736 individual patient. This paragraph does not apply to an
 1737 independent advanced practice registered nurse who is a
 1738 certified registered nurse anesthetist under part I of chapter
 1739 464.

1740 (4) Nothing herein shall restrict in any way the authority
 1741 of the medical staff of a licensed facility to review for
 1742 approval or disapproval all applications for appointment and

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1743 reappointment to all categories of staff and to make
 1744 recommendations on each applicant to the governing board,
 1745 including the delineation of privileges to be granted in each
 1746 case. In making such recommendations and in the delineation of
 1747 privileges, each applicant shall be considered individually
 1748 pursuant to criteria for a doctor licensed under chapter 458,
 1749 chapter 459, chapter 461, or chapter 466, or for an independent
 1750 advanced practice registered nurse registered, or an advanced
 1751 practice registered nurse ~~practitioner licensed and certified,~~
 1752 under part I of chapter 464, or for a psychologist licensed
 1753 under chapter 490, as applicable. The applicant's eligibility
 1754 for staff membership or clinical privileges shall be determined
 1755 by the applicant's background, experience, health, training, and
 1756 demonstrated competency; the applicant's adherence to applicable
 1757 professional ethics; the applicant's reputation; and the
 1758 applicant's ability to work with others and by such other
 1759 elements as determined by the governing board, consistent with
 1760 this part.

1761 Section 29. Subsection (3) of section 395.602, Florida
 1762 Statutes, is amended to read:

1763 395.602 Rural hospitals.—

1764 (3) USE OF FUNDS.—It is the intent of the Legislature that
 1765 funds as appropriated shall be utilized by the department for
 1766 the purpose of increasing the number of primary care physicians,
 1767 physician assistants, certified nurse midwives, certified nurse
 1768 practitioners, and nurses in rural areas, either through the

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1769 Medical Education Reimbursement and Loan Repayment Program as
 1770 defined by s. 1009.65 or through a federal loan repayment
 1771 program which requires state matching funds. The department may
 1772 use funds appropriated for the Medical Education Reimbursement
 1773 and Loan Repayment Program as matching funds for federal loan
 1774 repayment programs for health care personnel, such as that
 1775 authorized in Pub. L. No. 100-177, s. 203. If the department
 1776 receives federal matching funds, the department shall only
 1777 implement the federal program. Reimbursement through either
 1778 program shall be limited to:

1779 (a) Primary care physicians, physician assistants,
 1780 certified nurse midwives, certified nurse practitioners, and
 1781 nurses employed by or affiliated with rural hospitals, as
 1782 defined in this act; and

1783 (b) Primary care physicians, physician assistants,
 1784 certified nurse midwives, certified nurse practitioners, and
 1785 nurses employed by or affiliated with rural area health
 1786 education centers, as defined in this section. These personnel
 1787 shall practice:

1788 1. In a county with a population density of no greater
 1789 than 100 persons per square mile; or

1790 2. Within the boundaries of a hospital tax district which
 1791 encompasses a population of no greater than 100 persons per
 1792 square mile.

1793
 1794 If the department administers a federal loan repayment program,

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1795 priority shall be given to obligating state and federal matching
 1796 funds pursuant to paragraphs (a) and (b). The department may use
 1797 federal matching funds in other health workforce shortage areas
 1798 and medically underserved areas in the state for loan repayment
 1799 programs for primary care physicians, physician assistants,
 1800 certified nurse midwives, certified nurse practitioners, and
 1801 nurses who are employed by publicly financed health care
 1802 programs that serve medically indigent persons.

1803 Section 30. Paragraphs (b) and (c) of subsection (8) of
 1804 section 395.605, Florida Statutes, are amended to read:

1805 395.605 Emergency care hospitals.—

1806 (8)

1807 (b) All patients shall be under the care of a physician or
 1808 an independent advanced practice registered nurse, or under the
 1809 care of an advanced practice registered a nurse ~~practitioner~~ or
 1810 physician assistant supervised by a physician.

1811 (c) A physician, independent advanced practice registered
 1812 nurse, advanced practice registered nurse ~~practitioner~~, or
 1813 physician assistant shall be on duty at all times, or a
 1814 physician shall be on call and available within 30 minutes at
 1815 all times.

1816 Section 31. Subsection (26) of section 397.311, Florida
 1817 Statutes, is amended to read:

1818 397.311 Definitions.—As used in this chapter, except part
 1819 VIII, the term:

1820 (26) "Qualified professional" means a physician or a

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1821 physician assistant licensed under chapter 458 or chapter 459; a
 1822 professional licensed under chapter 490 or chapter 491; an
 1823 independent advanced practice registered nurse or advanced
 1824 practice registered nurse, who has ~~practitioner having~~ a
 1825 specialty in psychiatry and is registered or certified ~~licensed~~
 1826 under part I of chapter 464; or a person who is certified
 1827 through a department-recognized certification process for
 1828 substance abuse treatment services and who holds, at a minimum,
 1829 a bachelor's degree. A person who is certified in substance
 1830 abuse treatment services by a state-recognized certification
 1831 process in another state at the time of employment with a
 1832 licensed substance abuse provider in this state may perform the
 1833 functions of a qualified professional as defined in this chapter
 1834 but must meet certification requirements contained in this
 1835 subsection no later than 1 year after his or her date of
 1836 employment.

1837 Section 32. Subsection (11) of section 397.405, Florida
 1838 Statutes, is amended to read:

1839 397.405 Exemptions from licensure.—The following are
 1840 exempt from the licensing provisions of this chapter:

1841 (11) A facility licensed under s. 394.875 as a crisis
 1842 stabilization unit.

1843
 1844 The exemptions from licensure in this section do not apply to
 1845 any service provider that receives an appropriation, grant, or
 1846 contract from the state to operate as a service provider as

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1847 defined in this chapter or to any substance abuse program
 1848 regulated pursuant to s. 397.406. Furthermore, this chapter may
 1849 not be construed to limit the practice of a physician or
 1850 physician assistant licensed under chapter 458 or chapter 459, a
 1851 psychologist licensed under chapter 490, a psychotherapist
 1852 licensed under chapter 491, or an independent advanced practice
 1853 registered nurse registered, or an advanced practice registered
 1854 nurse certified, practitioner licensed under part I of chapter
 1855 464, who provides substance abuse treatment, ~~so long as~~ unless a
 1856 practitioner represents the physician, physician assistant,
 1857 psychologist, psychotherapist, or advanced registered nurse
 1858 practitioner does not represent to the public that he or she is
 1859 a licensed service provider and provides ~~does not provide~~
 1860 services to individuals pursuant to part V of this chapter.
 1861 Failure to comply with any requirement necessary to maintain an
 1862 exempt status under this section is a misdemeanor of the first
 1863 degree, punishable as provided in s. 775.082 or s. 775.083.

1864 Section 33. Paragraph (a) of subsection (5) and
 1865 subsections (9) and (10) of section 397.427, Florida Statutes,
 1866 are amended to read:

1867 397.427 Medication-assisted treatment service providers;
 1868 rehabilitation program; needs assessment and provision of
 1869 services; persons authorized to issue takeout medication;
 1870 unlawful operation; penalty.-

1871 (5) Notwithstanding s. 465.019(2), a physician assistant,
 1872 a registered nurse, an advanced practice registered nurse

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1873 ~~practitioner~~, or a licensed practical nurse working for a
 1874 licensed service provider may deliver takeout medication for
 1875 opiate treatment to persons enrolled in a maintenance treatment
 1876 program for medication-assisted treatment for opiate addiction
 1877 if:

1878 (a) The medication-assisted treatment program for opiate
 1879 addiction has an appropriate valid permit issued pursuant to
 1880 rules adopted by the Board of Pharmacy;

1881 (9) A physician assistant, a registered nurse, an advanced
 1882 practice registered nurse ~~practitioner~~, or a licensed practical
 1883 nurse working for a licensed service provider may deliver
 1884 medication as prescribed by rule if:

1885 (a) The service provider is authorized to provide
 1886 medication-assisted treatment;

1887 (b) The medication has been administered pursuant to a
 1888 valid prescription written by the program's physician who is
 1889 licensed under chapter 458 or chapter 459; and

1890 (c) The medication ordered appears on a formulary or meets
 1891 federal requirements for medication-assisted treatment.

1892 (10) Each licensed service provider that provides
 1893 medication-assisted treatment must adopt written protocols as
 1894 specified by the department and in accordance with federally
 1895 required rules, regulations, or procedures. The protocol shall
 1896 provide for the supervision of the physician assistant,
 1897 registered nurse, advanced practice registered nurse
 1898 ~~practitioner~~, or licensed practical nurse working under the

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1899 supervision of a physician who is licensed under chapter 458 or
 1900 chapter 459. The protocol must specify how the medication will
 1901 be used in conjunction with counseling or psychosocial treatment
 1902 and that the services provided will be included on the treatment
 1903 plan. The protocol must specify the procedures by which
 1904 medication-assisted treatment may be administered by the
 1905 ~~physician assistant, registered nurse, advanced registered nurse~~
 1906 supervised practitioner, or licensed practical nurse. These
 1907 protocols shall be signed by the supervising physician and the
 1908 ~~administering physician assistant, registered nurse, advanced~~
 1909 ~~registered nurse~~ supervised practitioner, or licensed practical
 1910 nurse.

1911 Section 34. Paragraph (a) of subsection (2) of section
 1912 397.501, Florida Statutes, is amended to read:

1913 397.501 Rights of individuals.—Individuals receiving
 1914 substance abuse services from any service provider are
 1915 guaranteed protection of the rights specified in this section,
 1916 unless otherwise expressly provided, and service providers must
 1917 ensure the protection of such rights.

1918 (2) RIGHT TO NONDISCRIMINATORY SERVICES.—

1919 (a) Service providers may not deny an individual access to
 1920 substance abuse services solely on the basis of race, gender,
 1921 ethnicity, age, sexual preference, human immunodeficiency virus
 1922 status, prior service departures against medical advice,
 1923 disability, or number of relapse episodes. Service providers may
 1924 not deny an individual who takes medication prescribed by a

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1925 | physician, independent advanced practice registered nurse, or
 1926 | advanced practice registered nurse access to substance abuse
 1927 | services solely on that basis. Service providers who receive
 1928 | state funds to provide substance abuse services may not, if
 1929 | space and sufficient state resources are available, deny access
 1930 | to services based solely on inability to pay.

1931 | Section 35. Subsection (8) of section 400.021, Florida
 1932 | Statutes, is amended to read:

1933 | 400.021 Definitions.—When used in this part, unless the
 1934 | context otherwise requires, the term:

1935 | (8) "Geriatric outpatient clinic" means a site for
 1936 | providing outpatient health care to persons 60 years of age or
 1937 | older, which is staffed by a registered nurse, a physician
 1938 | assistant, or a licensed practical nurse under the direct
 1939 | supervision of a registered nurse, independent advanced practice
 1940 | registered nurse, advanced practice registered nurse
 1941 | ~~practitioner,~~ physician assistant, or physician.

1942 | Section 36. Subsection (3) of section 400.0255, Florida
 1943 | Statutes, is amended to read:

1944 | 400.0255 Resident transfer or discharge; requirements and
 1945 | procedures; hearings.—

1946 | (3) When a discharge or transfer is initiated by the
 1947 | nursing home, the nursing home administrator employed by the
 1948 | nursing home that is discharging or transferring the resident,
 1949 | or an individual employed by the nursing home who is designated
 1950 | by the nursing home administrator to act on behalf of the

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1951 administration, must sign the notice of discharge or transfer.
 1952 Any notice indicating a medical reason for transfer or discharge
 1953 must either be signed by the resident's attending physician or
 1954 the medical director of the facility, or include an attached
 1955 written order for the discharge or transfer. The notice or the
 1956 order must be signed by the resident's physician, medical
 1957 director, treating physician, independent advanced practice
 1958 registered nurse, advanced practice registered nurse
 1959 ~~practitioner~~, or physician assistant.

1960 Section 37. Subsection (3) of section 400.172, Florida
 1961 Statutes, is amended to read:

1962 400.172 Respite care provided in nursing home facilities.-

1963 (3) A prospective respite care resident must provide
 1964 medical information from a physician, physician assistant,
 1965 independent advanced practice registered nurse, or advanced
 1966 practice registered nurse ~~practitioner~~ and any other information
 1967 provided by the primary caregiver required by the facility
 1968 before or when the person is admitted to receive respite care.
 1969 The medical information must include a physician's or an
 1970 independent advanced practice registered nurse's order for
 1971 respite care and proof of a physical examination by a licensed
 1972 physician, physician assistant, independent advanced practice
 1973 registered nurse, or advanced practice registered nurse
 1974 ~~practitioner~~. The ~~physician's or~~ order and physical examination
 1975 may be used to provide intermittent respite care for up to 12
 1976 months after the date the order is written.

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1977 Section 38. Subsections (20), (21), (22), (23), (24),
 1978 (25), (26), (27), (28), and (29) of section 400.462, Florida
 1979 Statutes, are renumbered as subsections (21), (22), (23), (24),
 1980 (25), (26), (27), (28), (29), and (30), respectively, subsection
 1981 (3) is amended in that section, and subsection (20) is added to
 1982 that section to read:

1983 400.462 Definitions.—As used in this part, the term:

1984 (3) "Advanced practice registered nurse practitioner"
 1985 means a person licensed in this state to practice professional
 1986 nursing and certified in advanced or specialized nursing
 1987 practice, as defined in s. 464.003.

1988 (20) "Independent advanced practice registered nurse"
 1989 means a person licensed in this state to practice professional
 1990 nursing and registered to practice advanced or specialized
 1991 nursing independently and without physician supervision or a
 1992 protocol, as defined in s. 464.003.

1993 Section 39. Subsection (2) of section 400.487, Florida
 1994 Statutes, is amended to read:

1995 400.487 Home health service agreements; physician's,
 1996 physician assistant's, independent advanced practice registered
 1997 nurse's, and advanced practice registered nurse's ~~nurse~~
 1998 ~~practitioner's~~ treatment orders; patient assessment;
 1999 establishment and review of plan of care; provision of services;
 2000 orders not to resuscitate.—

2001 (2) When required by the provisions of chapter 464; part
 2002 I, part III, or part V of chapter 468; or chapter 486, the

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2003 attending physician, physician assistant, independent advanced
 2004 practice registered nurse, or advanced practice registered nurse
 2005 ~~practitioner~~, acting within his or her respective scope of
 2006 practice, shall establish treatment orders for a patient who is
 2007 to receive skilled care. The treatment orders must be signed by
 2008 the physician, physician assistant, independent advanced
 2009 practice registered nurse, or advanced practice registered nurse
 2010 ~~practitioner~~ before a claim for payment for the skilled services
 2011 is submitted by the home health agency. If the claim is
 2012 submitted to a managed care organization, the treatment orders
 2013 must be signed within the time allowed under the provider
 2014 agreement. The treatment orders shall be reviewed, as frequently
 2015 as the patient's illness requires, by the physician, physician
 2016 assistant, independent advanced practice registered nurse, or
 2017 advanced practice registered nurse ~~practitioner~~ in consultation
 2018 with the home health agency.

2019 Section 40. Paragraph (a) of subsection (13) of section
 2020 400.506, Florida Statutes, is amended to read:

2021 400.506 Licensure of nurse registries; requirements;
 2022 penalties.—

2023 (13) All persons referred for contract in private
 2024 residences by a nurse registry must comply with the following
 2025 requirements for a plan of treatment:

2026 (a) When, in accordance with the privileges and
 2027 restrictions imposed upon a nurse under part I of chapter 464,
 2028 the delivery of care to a patient is under the direction or

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2029 supervision of a physician or when a physician is responsible
 2030 for the medical care of the patient, a medical plan of treatment
 2031 must be established for each patient receiving care or treatment
 2032 provided by a licensed nurse in the home. The original medical
 2033 plan of treatment must be timely signed by the physician,
 2034 physician assistant, independent advanced practice registered
 2035 nurse, or advanced practice registered nurse ~~practitioner~~,
 2036 acting within his or her respective scope of practice, and
 2037 reviewed in consultation with the licensed nurse at least every
 2038 2 months. Any additional order or change in orders must be
 2039 obtained from, reduced to writing by, and timely signed by, the
 2040 physician, physician assistant, independent advanced practice
 2041 registered nurse, or advanced practice registered nurse
 2042 ~~practitioner and reduced to writing and timely signed by the~~
 2043 ~~physician, physician assistant, or advanced registered nurse~~
 2044 ~~practitioner~~. The delivery of care under a medical plan of
 2045 treatment must be substantiated by the appropriate nursing notes
 2046 or documentation made by the nurse in compliance with nursing
 2047 practices established under part I of chapter 464.

2048 Section 41. Paragraph (g) of subsection (4) of section
 2049 400.9905, Florida Statutes, is amended to read:

2050 400.9905 Definitions.—

2051 (4) "Clinic" means an entity where health care services
 2052 are provided to individuals and which tenders charges for
 2053 reimbursement for such services, including a mobile clinic and a
 2054 portable equipment provider. As used in this part, the term does

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2055 not include and the licensure requirements of this part do not
 2056 apply to:

2057 (g) A sole proprietorship, group practice, partnership, or
 2058 corporation that provides health care services by licensed
 2059 health care practitioners under chapter 457, chapter 458,
 2060 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,
 2061 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,
 2062 chapter 490, chapter 491, or part I, part III, part X, part
 2063 XIII, or part XIV of chapter 468, s. 464.0125, or s. 464.012,
 2064 and that is wholly owned by one or more licensed health care
 2065 practitioners, or the licensed health care practitioners set
 2066 forth in this paragraph and the spouse, parent, child, or
 2067 sibling of a licensed health care practitioner if one of the
 2068 owners who is a licensed health care practitioner is supervising
 2069 the business activities and is legally responsible for the
 2070 entity's compliance with all federal and state laws. However, a
 2071 health care practitioner may not supervise services beyond the
 2072 scope of the practitioner's license, except that, for the
 2073 purposes of this part, a clinic owned by a licensee in s.
 2074 456.053(3)(b) which provides only services authorized pursuant
 2075 to s. 456.053(3)(b) may be supervised by a licensee specified in
 2076 s. 456.053(3)(b).

2077
 2078 Notwithstanding this subsection, an entity shall be deemed a
 2079 clinic and must be licensed under this part in order to receive
 2080 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.

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2081 627.730-627.7405, unless exempted under s. 627.736(5)(h).
 2082 Section 42. Paragraph (c) of subsection (1) and subsection
 2083 (2) of section 401.445, Florida Statutes, is amended to read:
 2084 401.445 Emergency examination and treatment of
 2085 incapacitated persons.—
 2086 (1) No recovery shall be allowed in any court in this
 2087 state against any emergency medical technician, paramedic, or
 2088 physician as defined in this chapter, any independent advanced
 2089 practice registered nurse registered under s. 464.0125, any
 2090 advanced practice registered nurse ~~practitioner~~ certified under
 2091 s. 464.012, or any physician assistant licensed under s. 458.347
 2092 or s. 459.022, or any person acting under the direct medical
 2093 supervision of a physician, in an action brought for examining
 2094 or treating a patient without his or her informed consent if:
 2095 (c) The patient would reasonably, under all the
 2096 surrounding circumstances, undergo such examination, treatment,
 2097 or procedure if he or she were advised by the emergency medical
 2098 technician, paramedic, physician, independent advanced practice
 2099 registered nurse, advanced practice registered nurse
 2100 ~~practitioner~~, or physician assistant in accordance with s.
 2101 766.103(3).
 2102
 2103 Examination and treatment provided under this subsection shall
 2104 be limited to reasonable examination of the patient to determine
 2105 the medical condition of the patient and treatment reasonably
 2106 necessary to alleviate the emergency medical condition or to

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2107 stabilize the patient.
 2108 (2) In examining and treating a person who is apparently
 2109 intoxicated, under the influence of drugs, or otherwise
 2110 incapable of providing informed consent, the emergency medical
 2111 technician, paramedic, physician, independent advanced practice
 2112 registered nurse, advanced practice registered nurse
 2113 ~~practitioner~~, or physician assistant, or any person acting under
 2114 the direct medical supervision of a physician, shall proceed
 2115 wherever possible with the consent of the person. If the person
 2116 reasonably appears to be incapacitated and refuses his or her
 2117 consent, the person may be examined, treated, or taken to a
 2118 hospital or other appropriate treatment resource if he or she is
 2119 in need of emergency attention, without his or her consent, but
 2120 unreasonable force shall not be used.

2121 Section 43. Subsections (1) and (11) of section 409.905,
 2122 Florida Statutes, are amended to read:

2123 409.905 Mandatory Medicaid services.—The agency may make
 2124 payments for the following services, which are required of the
 2125 state by Title XIX of the Social Security Act, furnished by
 2126 Medicaid providers to recipients who are determined to be
 2127 eligible on the dates on which the services were provided. Any
 2128 service under this section shall be provided only when medically
 2129 necessary and in accordance with state and federal law.
 2130 Mandatory services rendered by providers in mobile units to
 2131 Medicaid recipients may be restricted by the agency. Nothing in
 2132 this section shall be construed to prevent or limit the agency

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2133 from adjusting fees, reimbursement rates, lengths of stay,
 2134 number of visits, number of services, or any other adjustments
 2135 necessary to comply with the availability of moneys and any
 2136 limitations or directions provided for in the General
 2137 Appropriations Act or chapter 216.

2138 (1) INDEPENDENT ADVANCED PRACTICE REGISTERED NURSE AND
 2139 ADVANCED PRACTICE REGISTERED NURSE ~~PRACTITIONER~~ SERVICES.—The
 2140 agency shall pay for services provided to a recipient by a
 2141 registered independent advanced practice registered nurse, a
 2142 certified ~~licensed~~ advanced practice registered nurse
 2143 ~~practitioner~~ who has a valid collaboration agreement with a
 2144 licensed physician on file with the Department of Health, or a
 2145 certified registered nurse anesthetist who provides anesthesia
 2146 services in accordance with established protocol required by
 2147 state law and approved by the medical staff of the facility in
 2148 which the anesthetic service is performed. Reimbursement for
 2149 such services must be provided in an amount that equals not less
 2150 than 80 percent of the reimbursement to a physician who provides
 2151 the same services, unless otherwise provided for in the General
 2152 Appropriations Act.

2153 (11) RURAL HEALTH CLINIC SERVICES.—The agency shall pay
 2154 for outpatient primary health care services for a recipient
 2155 provided by a clinic certified by and participating in the
 2156 Medicare program which is located in a federally designated,
 2157 rural, medically underserved area and has on its staff one or
 2158 more certified ~~licensed primary care~~ nurse practitioners or

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2159 physician assistants, and a licensed staff supervising
 2160 physician, ~~or~~ a consulting supervising physician, or an
 2161 independent advanced practice registered nurse.

2162 Section 44. Paragraph (a) of subsection (3) and subsection
 2163 (7) of section 409.908, Florida Statutes, is amended to read:

2164 409.908 Reimbursement of Medicaid providers.—Subject to
 2165 specific appropriations, the agency shall reimburse Medicaid
 2166 providers, in accordance with state and federal law, according
 2167 to methodologies set forth in the rules of the agency and in
 2168 policy manuals and handbooks incorporated by reference therein.
 2169 These methodologies may include fee schedules, reimbursement
 2170 methods based on cost reporting, negotiated fees, competitive
 2171 bidding pursuant to s. 287.057, and other mechanisms the agency
 2172 considers efficient and effective for purchasing services or
 2173 goods on behalf of recipients. If a provider is reimbursed based
 2174 on cost reporting and submits a cost report late and that cost
 2175 report would have been used to set a lower reimbursement rate
 2176 for a rate semester, then the provider's rate for that semester
 2177 shall be retroactively calculated using the new cost report, and
 2178 full payment at the recalculated rate shall be effected
 2179 retroactively. Medicare-granted extensions for filing cost
 2180 reports, if applicable, shall also apply to Medicaid cost
 2181 reports. Payment for Medicaid compensable services made on
 2182 behalf of Medicaid eligible persons is subject to the
 2183 availability of moneys and any limitations or directions
 2184 provided for in the General Appropriations Act or chapter 216.

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2185 Further, nothing in this section shall be construed to prevent
 2186 or limit the agency from adjusting fees, reimbursement rates,
 2187 lengths of stay, number of visits, or number of services, or
 2188 making any other adjustments necessary to comply with the
 2189 availability of moneys and any limitations or directions
 2190 provided for in the General Appropriations Act, provided the
 2191 adjustment is consistent with legislative intent.

2192 (3) Subject to any limitations or directions provided for
 2193 in the General Appropriations Act, the following Medicaid
 2194 services and goods may be reimbursed on a fee-for-service basis.
 2195 For each allowable service or goods furnished in accordance with
 2196 Medicaid rules, policy manuals, handbooks, and state and federal
 2197 law, the payment shall be the amount billed by the provider, the
 2198 provider's usual and customary charge, or the maximum allowable
 2199 fee established by the agency, whichever amount is less, with
 2200 the exception of those services or goods for which the agency
 2201 makes payment using a methodology based on capitation rates,
 2202 average costs, or negotiated fees.

2203 (a) Independent advanced practice registered nurse or
 2204 advanced ~~Advanced~~ practice registered nurse practitioner
 2205 services.

2206 (7) A provider of family planning services shall be
 2207 reimbursed the lesser of the amount billed by the provider or an
 2208 all-inclusive amount per type of visit for physicians,
 2209 independent advanced practice registered nurses, and advanced
 2210 practice registered nurses ~~nurse practitioners,~~ as established

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2211 by the agency in a fee schedule.

2212 Section 45. Subsection (2) of section 409.9081, Florida
 2213 Statutes, is amended to read:

2214 409.9081 Copayments.—

2215 (2) The agency shall, subject to federal regulations and
 2216 any directions or limitations provided for in the General
 2217 Appropriations Act, require copayments for the following
 2218 additional services: hospital inpatient, laboratory and X-ray
 2219 services, transportation services, home health care services,
 2220 community mental health services, rural health services,
 2221 federally qualified health clinic services, and independent
 2222 advanced practice registered nurse or advanced practice
 2223 registered nurse practitioner services. The agency may only
 2224 establish copayments for prescribed drugs or for any other
 2225 federally authorized service if such copayment is specifically
 2226 provided for in the General Appropriations Act or other law.

2227 Section 46. Paragraph (a) of subsection (1) of section
 2228 409.973, Florida Statutes, is amended to read:

2229 409.973 Benefits.—

2230 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
 2231 minimum, the following services:

2232 (a) Independent advanced practice registered nurse and
 2233 advanced ~~Advanced~~ practice registered nurse practitioner
 2234 services.

2235 Section 47. Subsections (2), (4), and (5) of section
 2236 429.26, Florida Statutes, are amended to read:

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2237 429.26 Appropriateness of placements; examinations of
 2238 residents.—

2239 (2) A physician, physician assistant, independent advanced
 2240 practice registered nurse, or advanced practice registered nurse
 2241 ~~practitioner~~ who is employed by an assisted living facility to
 2242 provide an initial examination for admission purposes may not
 2243 have financial interest in the facility.

2244 (4) If possible, each resident shall have been examined by
 2245 a licensed physician, a licensed physician assistant, a
 2246 registered independent advanced practice registered nurse, or a
 2247 certified advanced practice registered ~~licensed~~ nurse
 2248 ~~practitioner~~ within 60 days before admission to the facility.

2249 The signed and completed medical examination report shall be
 2250 submitted to the owner or administrator of the facility who
 2251 shall use the information contained therein to assist in the
 2252 determination of the appropriateness of the resident's admission
 2253 and continued stay in the facility. The medical examination
 2254 report shall become a permanent part of the record of the
 2255 resident at the facility and shall be made available to the
 2256 agency during inspection or upon request. An assessment that has
 2257 been completed through the Comprehensive Assessment and Review
 2258 for Long-Term Care Services (CARES) Program fulfills the
 2259 requirements for a medical examination under this subsection and
 2260 s. 429.07(3)(b)6.

2261 (5) Except as provided in s. 429.07, if a medical
 2262 examination has not been completed within 60 days before the

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2263 admission of the resident to the facility, a licensed physician,
 2264 licensed physician assistant, registered independent advanced
 2265 practice registered nurse, or certified advanced practice
 2266 registered ~~licensed~~ nurse ~~practitioner~~ shall examine the
 2267 resident and complete a medical examination form provided by the
 2268 agency within 30 days following the admission to the facility to
 2269 enable the facility owner or administrator to determine the
 2270 appropriateness of the admission. The medical examination form
 2271 shall become a permanent part of the record of the resident at
 2272 the facility and shall be made available to the agency during
 2273 inspection by the agency or upon request.

2274 Section 48. Paragraph (a) of subsection (2) and paragraph
 2275 (a) of subsection (7) of section 429.918, Florida Statutes, is
 2276 amended to read:

2277 429.918 Licensure designation as a specialized Alzheimer's
 2278 services adult day care center.—

2279 (2) As used in this section, the term:

2280 (a) "ADRD participant" means a participant who has a
 2281 documented diagnosis of Alzheimer's disease or a dementia-
 2282 related disorder (ADRD) from a licensed physician, licensed
 2283 physician assistant, registered independent advanced practice
 2284 registered nurse, or ~~a~~ certified ~~licensed~~ advanced practice
 2285 registered nurse ~~practitioner~~.

2286 (7) (a) An ADRD participant admitted to an adult day care
 2287 center having a license designated under this section, or the
 2288 caregiver when applicable, must:

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2289 | 1. Require ongoing supervision to maintain the highest
2290 | level of medical or custodial functioning and have a
2291 | demonstrated need for a responsible party to oversee his or her
2292 | care.

2293 | 2. Not actively demonstrate aggressive behavior that
2294 | places himself, herself, or others at risk of harm.

2295 | 3. Provide the following medical documentation signed by a
2296 | licensed physician, licensed physician assistant, registered
2297 | independent advanced practice registered nurse, or a certified
2298 | ~~licensed~~ advanced practice registered nurse ~~practitioner~~:

2299 | a. Any physical, health, or emotional conditions that
2300 | require medical care.

2301 | b. A listing of the ADRD participant's current prescribed
2302 | and over-the-counter medications and dosages, diet restrictions,
2303 | mobility restrictions, and other physical limitations.

2304 | 4. Provide documentation signed by a health care provider
2305 | licensed in this state which indicates that the ADRD participant
2306 | is free of the communicable form of tuberculosis and free of
2307 | signs and symptoms of other communicable diseases.

2308 | Section 49. Paragraph (e) of subsection (5) of section
2309 | 440.102, Florida Statutes, is amended to read:

2310 | 440.102 Drug-free workplace program requirements.—The
2311 | following provisions apply to a drug-free workplace program
2312 | implemented pursuant to law or to rules adopted by the Agency
2313 | for Health Care Administration:

2314 | (5) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen

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2315 collection and testing for drugs under this section shall be
 2316 performed in accordance with the following procedures:

2317 (e) A specimen for a drug test may be taken or collected
 2318 by any of the following persons:

2319 1. A physician, a physician assistant, an independent
 2320 advanced practice registered nurse, an advanced practice
 2321 registered nurse, a registered ~~professional~~ nurse, a licensed
 2322 practical nurse, or ~~a nurse practitioner or~~ a certified
 2323 paramedic who is present at the scene of an accident for the
 2324 purpose of rendering emergency medical service or treatment.

2325 2. A qualified person employed by a licensed or certified
 2326 laboratory as described in subsection (9).

2327 Section 50. Subsection (2) and paragraph (d) of subsection
 2328 (4) of section 456.0391, Florida Statutes, is amended to read:

2329 456.0391 Advanced practice registered nurses ~~nurse~~
 2330 ~~practitioners;~~ information required for certification.—

2331 (2) The Department of Health shall send a notice to each
 2332 person certified under s. 464.012 at the certificateholder's
 2333 last known address of record regarding the requirements for
 2334 information to be submitted by advanced practice registered
 2335 nurses ~~nurse practitioners~~ pursuant to this section in
 2336 conjunction with the renewal of such certificate.

2337 (4)

2338 (d) Any applicant for initial certification or renewal of
 2339 certification as an advanced practice registered nurse
 2340 ~~practitioner~~ who submits to the Department of Health a set of

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2341 fingerprints and information required for the criminal history
 2342 check required under this section shall not be required to
 2343 provide a subsequent set of fingerprints or other duplicate
 2344 information required for a criminal history check to the Agency
 2345 for Health Care Administration, the Department of Juvenile
 2346 Justice, or the Department of Children and Family Services for
 2347 employment or licensure with such agency or department, if the
 2348 applicant has undergone a criminal history check as a condition
 2349 of initial certification or renewal of certification as an
 2350 advanced practice registered nurse ~~practitioner~~ with the
 2351 Department of Health, notwithstanding any other provision of law
 2352 to the contrary. In lieu of such duplicate submission, the
 2353 Agency for Health Care Administration, the Department of
 2354 Juvenile Justice, and the Department of Children and Family
 2355 Services shall obtain criminal history information for
 2356 employment or licensure of persons certified under s. 464.012 by
 2357 such agency or department from the Department of Health's health
 2358 care practitioner credentialing system.

2359 Section 51. Subsection (2) of section 456.0392, Florida
 2360 Statutes, is amended to read:

2361 456.0392 Prescription labeling.—

2362 (2) A prescription for a drug ~~that is not listed as a~~
 2363 ~~controlled substance in chapter 893~~ which is written by an
 2364 advanced practice registered nurse ~~practitioner~~ certified under
 2365 s. 464.012 is presumed, subject to rebuttal, to be valid and
 2366 within the parameters of the prescriptive authority delegated by

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2367 a practitioner licensed under chapter 458, chapter 459, or
 2368 chapter 466.

2369 Section 52. Paragraph (a) of subsection (1) and subsection
 2370 (6) of section 456.041, Florida Statutes, is amended to read:

2371 456.041 Practitioner profile; creation.—

2372 (1)(a) The Department of Health shall compile the
 2373 information submitted pursuant to s. 456.039 into a practitioner
 2374 profile of the applicant submitting the information, except that
 2375 the Department of Health shall develop a format to compile
 2376 uniformly any information submitted under s. 456.039(4)(b).

2377 Beginning July 1, 2001, the Department of Health may compile the
 2378 information submitted pursuant to s. 456.0391 into a
 2379 practitioner profile of the applicant submitting the
 2380 information. The protocol submitted pursuant to s. 464.012(3)
 2381 must be included in the practitioner profile of the advanced
 2382 practice registered nurse ~~practitioner~~.

2383 (6) The Department of Health shall provide in each
 2384 practitioner profile for every physician or advanced practice
 2385 registered nurse ~~practitioner~~ terminated for cause from
 2386 participating in the Medicaid program, pursuant to s. 409.913,
 2387 or sanctioned by the Medicaid program a statement that the
 2388 practitioner has been terminated from participating in the
 2389 Florida Medicaid program or sanctioned by the Medicaid program.

2390 Section 53. Subsection (1) of section 456.048, Florida
 2391 Statutes, and paragraphs (a), (d), and (e) of subsection (2) are
 2392 amended to read:

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2393 456.048 Financial responsibility requirements for certain
 2394 health care practitioners.—

2395 (1) As a prerequisite for licensure or license renewal,
 2396 the Board of Acupuncture, the Board of Chiropractic Medicine,
 2397 the Board of Podiatric Medicine, and the Board of Dentistry
 2398 shall, by rule, require that all health care practitioners
 2399 licensed under the respective board, and the Board of Medicine
 2400 and the Board of Osteopathic Medicine shall, by rule, require
 2401 that all anesthesiologist assistants licensed pursuant to s.
 2402 458.3475 or s. 459.023, and the Board of Nursing shall, by rule,
 2403 require that independent advanced practice registered nurses
 2404 registered under s. 464.0125 and advanced practice registered
 2405 nurses ~~nurse practitioners~~ certified under s. 464.012, and the
 2406 department shall, by rule, require that midwives maintain
 2407 medical malpractice insurance or provide proof of financial
 2408 responsibility in an amount and in a manner determined by the
 2409 board or department to be sufficient to cover claims arising out
 2410 of the rendering of or failure to render professional care and
 2411 services in this state.

2412 (2) The board or department may grant exemptions upon
 2413 application by practitioners meeting any of the following
 2414 criteria:

2415 (a) Any person licensed under chapter 457, s. 458.3475, s.
 2416 459.023, chapter 460, chapter 461, s. 464.012, s. 464.0125,
 2417 chapter 466, or chapter 467 who practices exclusively as an
 2418 officer, employee, or agent of the Federal Government or of the

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2419 state or its agencies or its subdivisions. For the purposes of
 2420 this subsection, an agent of the state, its agencies, or its
 2421 subdivisions is a person who is eligible for coverage under any
 2422 self-insurance or insurance program authorized by the provisions
 2423 of s. 768.28(16) or who is a volunteer under s. 110.501(1).

2424 (d) Any person licensed or certified under chapter 457, s.
 2425 458.3475, s. 459.023, chapter 460, chapter 461, s. 464.012, s.
 2426 464.0125, chapter 466, or chapter 467 who practices only in
 2427 conjunction with his or her teaching duties at an accredited
 2428 school or in its main teaching hospitals. Such person may engage
 2429 in the practice of medicine to the extent that such practice is
 2430 incidental to and a necessary part of duties in connection with
 2431 the teaching position in the school.

2432 (e) Any person holding an active license or certification
 2433 under chapter 457, s. 458.3475, s. 459.023, chapter 460, chapter
 2434 461, s. 464.012, s. 464.0125, chapter 466, or chapter 467 who is
 2435 not practicing in this state. If such person initiates or
 2436 resumes practice in this state, he or she must notify the
 2437 department of such activity.

2438 Section 54. Paragraphs (a), (i), (o), and (r) of
 2439 subsection (3) and paragraph (g) of subsection (5) of section
 2440 456.053, Florida Statutes, are amended to read:

2441 456.053 Financial arrangements between referring health
 2442 care providers and providers of health care services.—

2443 (3) DEFINITIONS.—For the purpose of this section, the
 2444 word, phrase, or term:

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2445 (a) "Board" means any of the following boards relating to
 2446 the respective professions: the Board of Medicine as created in
 2447 s. 458.307; the Board of Osteopathic Medicine as created in s.
 2448 459.004; the Board of Chiropractic Medicine as created in s.
 2449 460.404; the Board of Podiatric Medicine as created in s.
 2450 461.004; the Board of Optometry as created in s. 463.003; the
 2451 Board of Pharmacy as created in s. 465.004; ~~and~~ the Board of
 2452 Dentistry as created in s. 466.004; and the Board of Nursing as
 2453 created in s. 464.004.

2454 (i) "Health care provider" means any physician licensed
 2455 under chapter 458, chapter 459, chapter 460, or chapter 461, an
 2456 independent advanced practice registered nurse registered under
 2457 s. 464.0125, or any health care provider licensed under chapter
 2458 463 or chapter 466.

2459 (o) "Referral" means any referral of a patient by a health
 2460 care provider for health care services, including, without
 2461 limitation:

2462 1. The forwarding of a patient by a health care provider
 2463 to another health care provider or to an entity which provides
 2464 or supplies designated health services or any other health care
 2465 item or service; or

2466 2. The request or establishment of a plan of care by a
 2467 health care provider, which includes the provision of designated
 2468 health services or other health care item or service.

2469 3. The following orders, recommendations, or plans of care
 2470 shall not constitute a referral by a health care provider:

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- 2471 a. By a radiologist for diagnostic-imaging services.
- 2472 b. By a physician specializing in the provision of
- 2473 radiation therapy services for such services.
- 2474 c. By a medical oncologist for drugs and solutions to be
- 2475 prepared and administered intravenously to such oncologist's
- 2476 patient, as well as for the supplies and equipment used in
- 2477 connection therewith to treat such patient for cancer and the
- 2478 complications thereof.
- 2479 d. By a cardiologist for cardiac catheterization services.
- 2480 e. By a pathologist for diagnostic clinical laboratory
- 2481 tests and pathological examination services, if furnished by or
- 2482 under the supervision of such pathologist pursuant to a
- 2483 consultation requested by another physician.
- 2484 f. By a health care provider who is the sole provider or
- 2485 member of a group practice for designated health services or
- 2486 other health care items or services that are prescribed or
- 2487 provided solely for such referring health care provider's or
- 2488 group practice's own patients, and that are provided or
- 2489 performed by or under the direct supervision of such referring
- 2490 health care provider or group practice; provided, however, ~~that~~
- 2491 ~~effective July 1, 1999,~~ a physician licensed pursuant to chapter
- 2492 458, chapter 459, chapter 460, or chapter 461 or an independent
- 2493 advanced practice registered nurse registered under s. 464.0125
- 2494 may refer a patient to a sole provider or group practice for
- 2495 diagnostic imaging services, excluding radiation therapy
- 2496 services, for which the sole provider or group practice billed

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2497 both the technical and the professional fee for or on behalf of
 2498 the patient, if the referring physician or independent advanced
 2499 practice registered nurse has no investment interest in the
 2500 practice. The diagnostic imaging service referred to a group
 2501 practice or sole provider must be a diagnostic imaging service
 2502 normally provided within the scope of practice to the patients
 2503 of the group practice or sole provider. The group practice or
 2504 sole provider may accept no more than 15 percent of their
 2505 patients receiving diagnostic imaging services from outside
 2506 referrals, excluding radiation therapy services.

2507 g. By a health care provider for services provided by an
 2508 ambulatory surgical center licensed under chapter 395.

2509 h. By a urologist for lithotripsy services.

2510 i. By a dentist for dental services performed by an
 2511 employee of or health care provider who is an independent
 2512 contractor with the dentist or group practice of which the
 2513 dentist is a member.

2514 j. By a physician for infusion therapy services to a
 2515 patient of that physician or a member of that physician's group
 2516 practice.

2517 k. By a nephrologist for renal dialysis services and
 2518 supplies, except laboratory services.

2519 l. By a health care provider whose principal professional
 2520 practice consists of treating patients in their private
 2521 residences for services to be rendered in such private
 2522 residences, except for services rendered by a home health agency

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2523 licensed under chapter 400. For purposes of this sub-
 2524 subparagraph, the term "private residences" includes patients'
 2525 private homes, independent living centers, and assisted living
 2526 facilities, but does not include skilled nursing facilities.

2527 m. By a health care provider for sleep-related testing.

2528 (r) "Sole provider" means one health care provider
 2529 licensed under chapter 458, chapter 459, chapter 460, ~~or~~ chapter
 2530 461, or s. 464.0125, who maintains a separate medical office and
 2531 a medical practice separate from any other health care provider
 2532 and who bills for his or her services separately from the
 2533 services provided by any other health care provider. A sole
 2534 provider shall not share overhead expenses or professional
 2535 income with any other person or group practice.

2536 (5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as
 2537 provided in this section:

2538 (g) A violation of this section by a health care provider
 2539 shall constitute grounds for disciplinary action to be taken by
 2540 the applicable board pursuant to s. 458.331(2), s. 459.015(2),
 2541 s. 460.413(2), s. 461.013(2), s. 463.016(2), s. 464.018 or s.
 2542 466.028(2). Any hospital licensed under chapter 395 found in
 2543 violation of this section shall be subject to s. 395.0185(2).

2544 Section 55. Subsection (7) of section 456.072, Florida
 2545 Statutes, is amended to read:

2546 456.072 Grounds for discipline; penalties; enforcement.—

2547 (7) Notwithstanding subsection (2), upon a finding that a
 2548 physician, an independent advanced practice registered nurse, or

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2549 an advanced practice registered nurse has prescribed or
 2550 dispensed a controlled substance, or caused a controlled
 2551 substance to be prescribed or dispensed, in a manner that
 2552 violates the standard of practice set forth in s. 458.331(1)(q)
 2553 or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o) or (s),
 2554 464.018(1)(p) or s. 466.028(1)(p) or (x), ~~the physician such~~
 2555 practitioner shall be suspended for a period of not less than 6
 2556 months and pay a fine of not less than \$10,000 per count.
 2557 Repeated violations shall result in increased penalties.

2558 Section 56. Paragraph (a) of subsection (2) and paragraphs
 2559 (b), (c), (d), (e), (f), and (g) of subsection (3) of section
 2560 456.44, Florida Statutes, are amended to read:

2561 456.44 Controlled substance prescribing.—

2562 (2) REGISTRATION.—Effective January 1, 2012, a physician
 2563 licensed under chapter 458, chapter 459, chapter 461, or chapter
 2564 466, or an independent advanced practice registered nurse
 2565 registered, or an advanced practice registered nurse certified,
 2566 under part I of chapter 464, who prescribes any controlled
 2567 substance, listed in Schedule II, Schedule III, or Schedule IV
 2568 as defined in s. 893.03, for the treatment of chronic
 2569 nonmalignant pain, must:

2570 (a) Designate himself or herself as a controlled substance
 2571 prescribing practitioner on the practitioner's ~~physician's~~
 2572 ~~practitioner~~ profile.

2573 (3) STANDARDS OF PRACTICE.—The standards of practice in
 2574 this section do not supersede the level of care, skill, and

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2575 treatment recognized in general law related to health care
 2576 licensure.

2577 (b) Each registrant must develop a written individualized
 2578 treatment plan for each patient. The treatment plan shall state
 2579 objectives that will be used to determine treatment success,
 2580 such as pain relief and improved physical and psychosocial
 2581 function, and shall indicate if any further diagnostic
 2582 evaluations or other treatments are planned. After treatment
 2583 begins, the practitioner ~~physician~~ shall adjust drug therapy to
 2584 the individual medical needs of each patient. Other treatment
 2585 modalities, including a rehabilitation program, shall be
 2586 considered depending on the etiology of the pain and the extent
 2587 to which the pain is associated with physical and psychosocial
 2588 impairment. The interdisciplinary nature of the treatment plan
 2589 shall be documented.

2590 (c) The practitioner ~~physician~~ shall discuss the risks and
 2591 benefits of the use of controlled substances, including the
 2592 risks of abuse and addiction, as well as physical dependence and
 2593 its consequences, with the patient, persons designated by the
 2594 patient, or the patient's surrogate or guardian if the patient
 2595 is incompetent. The practitioner ~~physician~~ shall use a written
 2596 controlled substance agreement between the practitioner
 2597 ~~physician~~ and the patient outlining the patient's
 2598 responsibilities, including, but not limited to:

- 2599 1. Number and frequency of controlled substance
 2600 prescriptions and refills.

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2601 2. Patient compliance and reasons for which drug therapy
2602 may be discontinued, such as a violation of the agreement.

2603 3. An agreement that controlled substances for the
2604 treatment of chronic nonmalignant pain shall be prescribed by a
2605 single treating practitioner ~~physician~~ unless otherwise
2606 authorized by the treating practitioner ~~physician~~ and documented
2607 in the medical record.

2608 (d) The patient shall be seen by the practitioner
2609 ~~physician~~ at regular intervals, not to exceed 3 months, to
2610 assess the efficacy of treatment, ensure that controlled
2611 substance therapy remains indicated, evaluate the patient's
2612 progress toward treatment objectives, consider adverse drug
2613 effects, and review the etiology of the pain. Continuation or
2614 modification of therapy shall depend on the practitioner's
2615 ~~physician's~~ evaluation of the patient's progress. If treatment
2616 goals are not being achieved, despite medication adjustments,
2617 the practitioner ~~physician~~ shall reevaluate the appropriateness
2618 of continued treatment. The practitioner ~~physician~~ shall monitor
2619 patient compliance in medication usage, related treatment plans,
2620 controlled substance agreements, and indications of substance
2621 abuse or diversion at a minimum of 3-month intervals.

2622 (e) The practitioner ~~physician~~ shall refer the patient as
2623 necessary for additional evaluation and treatment in order to
2624 achieve treatment objectives. Special attention shall be given
2625 to those patients who are at risk for misusing their medications
2626 and those whose living arrangements pose a risk for medication

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2627 misuse or diversion. The management of pain in patients with a
 2628 history of substance abuse or with a comorbid psychiatric
 2629 disorder requires extra care, monitoring, and documentation and
 2630 requires consultation with or referral to an addiction medicine
 2631 specialist or psychiatrist.

2632 (f) A practitioner ~~physician~~ registered under this section
 2633 must maintain accurate, current, and complete records that are
 2634 accessible and readily available for review and comply with the
 2635 requirements of this section, the applicable practice act, and
 2636 applicable board rules. The medical records must include, but
 2637 are not limited to:

- 2638 1. The complete medical history and a physical
- 2639 examination, including history of drug abuse or dependence.
- 2640 2. Diagnostic, therapeutic, and laboratory results.
- 2641 3. Evaluations and consultations.
- 2642 4. Treatment objectives.
- 2643 5. Discussion of risks and benefits.
- 2644 6. Treatments.
- 2645 7. Medications, including date, type, dosage, and quantity
- 2646 prescribed.
- 2647 8. Instructions and agreements.
- 2648 9. Periodic reviews.
- 2649 10. Results of any drug testing.
- 2650 11. A photocopy of the patient's government-issued photo
- 2651 identification.
- 2652 12. If a written prescription for a controlled substance

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2653 is given to the patient, a duplicate of the prescription.
 2654 13. The practitioner's ~~physician's~~ full name presented in
 2655 a legible manner.
 2656 (g) Patients with signs or symptoms of substance abuse
 2657 shall be immediately referred to a board-certified pain
 2658 management physician, an addiction medicine specialist, or a
 2659 mental health addiction facility as it pertains to drug abuse or
 2660 addiction unless the practitioner is a physician who is board-
 2661 certified or board-eligible in pain management. Throughout the
 2662 period of time before receiving the consultant's report, a
 2663 prescribing practitioner ~~physician~~ shall clearly and completely
 2664 document medical justification for continued treatment with
 2665 controlled substances and those steps taken to ensure medically
 2666 appropriate use of controlled substances by the patient. Upon
 2667 receipt of the consultant's written report, the prescribing
 2668 practitioner ~~physician~~ shall incorporate the consultant's
 2669 recommendations for continuing, modifying, or discontinuing
 2670 controlled substance therapy. The resulting changes in treatment
 2671 shall be specifically documented in the patient's medical
 2672 record. Evidence or behavioral indications of diversion shall be
 2673 followed by discontinuation of controlled substance therapy, and
 2674 the patient shall be discharged, and all results of testing and
 2675 actions taken by the physician shall be documented in the
 2676 patient's medical record.
 2677
 2678 This subsection does not apply to a board-eligible or board-

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2679 certified anesthesiologist, physiatrist, rheumatologist, or
 2680 neurologist, or to a board-certified physician who has surgical
 2681 privileges at a hospital or ambulatory surgery center and
 2682 primarily provides surgical services. This subsection does not
 2683 apply to a board-eligible or board-certified medical specialist
 2684 who has also completed a fellowship in pain medicine approved by
 2685 the Accreditation Council for Graduate Medical Education or the
 2686 American Osteopathic Association, or who is board eligible or
 2687 board certified in pain medicine by the American Board of Pain
 2688 Medicine or a board approved by the American Board of Medical
 2689 Specialties or the American Osteopathic Association and performs
 2690 interventional pain procedures of the type routinely billed
 2691 using surgical codes. This subsection does not apply to a
 2692 practitioner ~~physician~~, who prescribes medically necessary
 2693 controlled substances for a patient during an inpatient stay in
 2694 a hospital licensed under chapter 395.

2695 Section 57. Paragraph (c) of subsection (2) of section
 2696 458.3265, Florida Statutes, is amended to read:

2697 458.3265 Pain-management clinics.—

2698 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 2699 apply to any physician who provides professional services in a
 2700 pain-management clinic that is required to be registered in
 2701 subsection (1).

2702 (c) A physician, a physician assistant, an independent
 2703 advanced practice registered nurse, or an advanced practice
 2704 registered nurse ~~practitioner~~ must perform a physical

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2705 examination of a patient on the same day that the physician
 2706 prescribes a controlled substance to a patient at a pain-
 2707 management clinic. If the physician prescribes more than a 72-
 2708 hour dose of controlled substances for the treatment of chronic
 2709 nonmalignant pain, the physician must document in the patient's
 2710 record the reason for prescribing that quantity.

2711 Section 58. Paragraph (dd) of subsection (1) of section
 2712 458.331, Florida Statutes, is amended to read:

2713 458.331 Grounds for disciplinary action; action by the
 2714 board and department.—

2715 (1) The following acts constitute grounds for denial of a
 2716 license or disciplinary action, as specified in s. 456.072(2):

2717 (dd) Failing to supervise adequately the activities of
 2718 those physician assistants, paramedics, emergency medical
 2719 technicians, advanced practice registered nurses ~~nurse~~
 2720 ~~practitioners~~, or anesthesiologist assistants acting under the
 2721 supervision of the physician.

2722 Section 59. Paragraph (a) of subsection (1), subsection
 2723 (2), and paragraphs (c) and (e) of subsection (4) of section
 2724 458.348, Florida Statutes, are amended to read:

2725 458.348 Formal supervisory relationships, standing orders,
 2726 and established protocols; notice; standards.—

2727 (1) NOTICE.—

2728 (a) When a physician enters into a formal supervisory
 2729 relationship or standing orders with an emergency medical
 2730 technician or paramedic licensed pursuant to s. 401.27, which

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2731 relationship or orders contemplate the performance of medical
 2732 acts, or when a physician enters into an established protocol
 2733 with an advanced practice registered nurse ~~practitioner~~, which
 2734 protocol contemplates the performance of medical acts identified
 2735 and approved by the joint committee pursuant to s. 464.003(2) or
 2736 acts set forth in s. 464.012(3) and (4), the physician shall
 2737 submit notice to the board. The notice shall contain a statement
 2738 in substantially the following form:

2739 I, ...(name and professional license number of
 2740 physician)..., of ...(address of physician)... have hereby
 2741 entered into a formal supervisory relationship, standing orders,
 2742 or an established protocol with ...(number of persons)...
 2743 emergency medical technician(s), ...(number of persons)...
 2744 paramedic(s), or ...(number of persons)... advanced practice
 2745 registered nurse(s) ~~nurse-practitioner(s)~~.

2746 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The
 2747 joint committee created under s. 464.003(2) shall determine
 2748 minimum standards for the content of established protocols
 2749 pursuant to which an advanced practice registered nurse
 2750 ~~practitioner~~ may perform medical acts identified and approved by
 2751 the joint committee pursuant to s. 464.003(2) or acts set forth
 2752 in s. 464.012(3) and (4) and shall determine minimum standards
 2753 for supervision of such acts by the physician, unless the joint
 2754 committee determines that any act set forth in s. 464.012(3) or
 2755 (4) is not a medical act. Such standards shall be based on risk

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2756 to the patient and acceptable standards of medical care and
 2757 shall take into account the special problems of medically
 2758 underserved areas. The standards developed by the joint
 2759 committee shall be adopted as rules by the Board of Nursing and
 2760 the Board of Medicine for purposes of carrying out their
 2761 responsibilities pursuant to part I of chapter 464 and this
 2762 chapter, respectively, but neither board shall have disciplinary
 2763 powers over the licensees of the other board.

2764 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—
 2765 A physician who supervises an advanced practice registered nurse
 2766 ~~practitioner~~ or physician assistant at a medical office other
 2767 than the physician's primary practice location, where the
 2768 advanced practice registered nurse ~~practitioner~~ or physician
 2769 assistant is not under the onsite supervision of a supervising
 2770 physician, must comply with the standards set forth in this
 2771 subsection. For the purpose of this subsection, a physician's
 2772 "primary practice location" means the address reflected on the
 2773 physician's profile published pursuant to s. 456.041.

2774 (c) A physician who supervises an advanced practice
 2775 registered nurse ~~practitioner~~ or physician assistant at a
 2776 medical office other than the physician's primary practice
 2777 location, where the advanced practice registered nurse
 2778 ~~practitioner~~ or physician assistant is not under the onsite
 2779 supervision of a supervising physician and the services offered
 2780 at the office are primarily dermatologic or skin care services,
 2781 which include aesthetic skin care services other than plastic

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2782 surgery, must comply with the standards listed in subparagraphs
 2783 1.-4. Notwithstanding s. 458.347(4)(e)6., a physician
 2784 supervising a physician assistant pursuant to this paragraph may
 2785 not be required to review and cosign charts or medical records
 2786 prepared by such physician assistant.

2787 1. The physician shall submit to the board the addresses
 2788 of all offices where he or she is supervising an advanced
 2789 practice registered nurse ~~practitioner~~ or a physician's
 2790 assistant which are not the physician's primary practice
 2791 location.

2792 2. The physician must be board certified or board eligible
 2793 in dermatology or plastic surgery as recognized by the board
 2794 pursuant to s. 458.3312.

2795 3. All such offices that are not the physician's primary
 2796 place of practice must be within 25 miles of the physician's
 2797 primary place of practice or in a county that is contiguous to
 2798 the county of the physician's primary place of practice.
 2799 However, the distance between any of the offices may not exceed
 2800 75 miles.

2801 4. The physician may supervise only one office other than
 2802 the physician's primary place of practice ~~except that until July~~
 2803 ~~1, 2011, the physician may supervise up to two medical offices~~
 2804 ~~other than the physician's primary place of practice if the~~
 2805 ~~addresses of the offices are submitted to the board before July~~
 2806 ~~1, 2006. Effective July 1, 2011, the physician may supervise~~
 2807 ~~only one office other than the physician's primary place of~~

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2808 ~~practice, regardless of when the addresses of the offices were~~
 2809 ~~submitted to the board.~~

2810 (e) This subsection does not apply to health care services
 2811 provided in facilities licensed under chapter 395 or in
 2812 conjunction with a college of medicine, a college of nursing, an
 2813 accredited graduate medical program, or a nursing education
 2814 program; not-for-profit, family-planning clinics that are not
 2815 licensed pursuant to chapter 390; rural and federally qualified
 2816 health centers; health care services provided in a nursing home
 2817 licensed under part II of chapter 400, an assisted living
 2818 facility licensed under part I of chapter 429, a continuing care
 2819 facility licensed under chapter 651, or a retirement community
 2820 consisting of independent living units and a licensed nursing
 2821 home or assisted living facility; anesthesia services provided
 2822 in accordance with law; health care services provided in a
 2823 designated rural health clinic; health care services provided to
 2824 persons enrolled in a program designed to maintain elderly
 2825 persons and persons with disabilities in a home or community-
 2826 based setting; university primary care student health centers;
 2827 school health clinics; or health care services provided in
 2828 federal, state, or local government facilities. Subsection (3)
 2829 and this subsection do not apply to offices at which the
 2830 exclusive service being performed is laser hair removal by an
 2831 advanced practice registered nurse ~~practitioner~~ or physician
 2832 assistant.

2833 Section 60. Paragraph (c) of subsection (2) of section

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2834 459.0137, Florida Statutes, is amended to read:

2835 459.0137 Pain-management clinics.—

2836 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 2837 apply to any osteopathic physician who provides professional
 2838 services in a pain-management clinic that is required to be
 2839 registered in subsection (1).

2840 (c) An osteopathic physician, a physician assistant, an
 2841 independent advanced practice registered nurse, or an advanced
 2842 practice registered nurse ~~practitioner~~ must perform a physical
 2843 examination of a patient on the same day that the physician
 2844 prescribes a controlled substance to a patient at a pain-
 2845 management clinic. If the osteopathic physician prescribes more
 2846 than a 72-hour dose of controlled substances for the treatment
 2847 of chronic nonmalignant pain, the osteopathic physician must
 2848 document in the patient's record the reason for prescribing that
 2849 quantity.

2850 Section 61. Paragraph (hh) of subsection (1) of section
 2851 459.015, Florida Statutes, is amended to read:

2852 459.015 Grounds for disciplinary action; action by the
 2853 board and department.—

2854 (1) The following acts constitute grounds for denial of a
 2855 license or disciplinary action, as specified in s. 456.072(2):

2856 (hh) Failing to supervise adequately the activities of
 2857 those physician assistants, paramedics, emergency medical
 2858 technicians, advanced practice registered nurses ~~nurse~~
 2859 ~~practitioners~~, anesthesiologist assistants, or other persons

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2860 acting under the supervision of the osteopathic physician.
 2861 Section 62. Paragraph (a) of subsection (1) and paragraphs
 2862 (c) and (e) of subsection (3) of section 459.025, Florida
 2863 Statutes, are amended to read:
 2864 459.025 Formal supervisory relationships, standing orders,
 2865 and established protocols; notice; standards.—
 2866 (1) NOTICE.—
 2867 (a) When an osteopathic physician enters into a formal
 2868 supervisory relationship or standing orders with an emergency
 2869 medical technician or paramedic licensed pursuant to s. 401.27,
 2870 which relationship or orders contemplate the performance of
 2871 medical acts, or when an osteopathic physician enters into an
 2872 established protocol with an advanced practice registered nurse
 2873 ~~practitioner~~, which protocol contemplates the performance of
 2874 medical acts identified and approved by the joint committee
 2875 pursuant to s. 464.003(2) or acts set forth in s. 464.012(3) and
 2876 (4), the osteopathic physician shall submit notice to the board.
 2877 The notice must contain a statement in substantially the
 2878 following form:
 2879 I, ...(name and professional license number of osteopathic
 2880 physician)..., of ...(address of osteopathic physician)... have
 2881 hereby entered into a formal supervisory relationship, standing
 2882 orders, or an established protocol with ...(number of
 2883 persons)... emergency medical technician(s), ...(number of
 2884 persons)... paramedic(s), or ...(number of persons)... advanced

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2885 practice registered nurses ~~nurse practitioner(s)~~.

2886 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

2887 An osteopathic physician who supervises an advanced practice
 2888 registered nurse ~~practitioner~~ or physician assistant at a
 2889 medical office other than the osteopathic physician's primary
 2890 practice location, where the advanced practice registered nurse
 2891 ~~practitioner~~ or physician assistant is not under the onsite
 2892 supervision of a supervising osteopathic physician, must comply
 2893 with the standards set forth in this subsection. For the purpose
 2894 of this subsection, an osteopathic physician's "primary practice
 2895 location" means the address reflected on the physician's profile
 2896 published pursuant to s. 456.041.

2897 (c) An osteopathic physician who supervises an advanced
 2898 practice registered nurse ~~practitioner~~ or physician assistant at
 2899 a medical office other than the osteopathic physician's primary
 2900 practice location, where the advanced practice registered nurse
 2901 ~~practitioner~~ or physician assistant is not under the onsite
 2902 supervision of a supervising osteopathic physician and the
 2903 services offered at the office are primarily dermatologic or
 2904 skin care services, which include aesthetic skin care services
 2905 other than plastic surgery, must comply with the standards
 2906 listed in subparagraphs 1.-4. Notwithstanding s.
 2907 459.022(4)(e)6., an osteopathic physician supervising a
 2908 physician assistant pursuant to this paragraph may not be
 2909 required to review and cosign charts or medical records prepared

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2910 by such physician assistant.

2911 1. The osteopathic physician shall submit to the Board of
 2912 Osteopathic Medicine the addresses of all offices where he or
 2913 she is supervising or has a protocol with an advanced practice
 2914 registered nurse ~~practitioner~~ or a physician's assistant which
 2915 are not the osteopathic physician's primary practice location.

2916 2. The osteopathic physician must be board certified or
 2917 board eligible in dermatology or plastic surgery as recognized
 2918 by the Board of Osteopathic Medicine pursuant to s. 459.0152.

2919 3. All such offices that are not the osteopathic
 2920 physician's primary place of practice must be within 25 miles of
 2921 the osteopathic physician's primary place of practice or in a
 2922 county that is contiguous to the county of the osteopathic
 2923 physician's primary place of practice. However, the distance
 2924 between any of the offices may not exceed 75 miles.

2925 4. The osteopathic physician may supervise only one office
 2926 other than the osteopathic physician's primary place of practice
 2927 ~~except that until July 1, 2011, the osteopathic physician may~~
 2928 ~~supervise up to two medical offices other than the osteopathic~~
 2929 ~~physician's primary place of practice if the addresses of the~~
 2930 ~~offices are submitted to the Board of Osteopathic Medicine~~
 2931 ~~before July 1, 2006. Effective July 1, 2011, the osteopathic~~
 2932 ~~physician may supervise only one office other than the~~
 2933 ~~osteopathic physician's primary place of practice, regardless of~~
 2934 ~~when the addresses of the offices were submitted to the Board of~~
 2935 ~~Osteopathic Medicine.~~

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2936 (e) This subsection does not apply to health care services
 2937 provided in facilities licensed under chapter 395 or in
 2938 conjunction with a college of medicine or college of nursing or
 2939 an accredited graduate medical or nursing education program;
 2940 offices where the only service being performed is hair removal
 2941 by an advanced practice registered nurse ~~practitioner~~ or
 2942 physician assistant; not-for-profit, family-planning clinics
 2943 that are not licensed pursuant to chapter 390; rural and
 2944 federally qualified health centers; health care services
 2945 provided in a nursing home licensed under part II of chapter
 2946 400, an assisted living facility licensed under part I of
 2947 chapter 429, a continuing care facility licensed under chapter
 2948 651, or a retirement community consisting of independent living
 2949 units and either a licensed nursing home or assisted living
 2950 facility; anesthesia services provided in accordance with law;
 2951 health care services provided in a designated rural health
 2952 clinic; health care services provided to persons enrolled in a
 2953 program designed to maintain elderly persons and persons with
 2954 disabilities in a home or community-based setting; university
 2955 primary care student health centers; school health clinics; or
 2956 health care services provided in federal, state, or local
 2957 government facilities.

2958 Section 63. Subsection (2) of section 464.004, Florida
 2959 Statutes, is amended to read:

2960 464.004 Board of Nursing; membership; appointment; terms.—

2961 (2) Seven members of the board must be registered nurses

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2962 | who are residents of this state and who have been engaged in the
 2963 | practice of professional nursing for at least 4 years, including
 2964 | at least one advanced practice registered nurse ~~practitioner~~,
 2965 | one nurse educator member of an approved program, and one nurse
 2966 | executive. These seven board members should be representative of
 2967 | the diverse areas of practice within the nursing profession. In
 2968 | addition, three members of the board must be licensed practical
 2969 | nurses who are residents of this state and who have been
 2970 | actively engaged in the practice of practical nursing for at
 2971 | least 4 years prior to their appointment. The remaining three
 2972 | members must be residents of the state who have never been
 2973 | licensed as nurses and who are in no way connected with the
 2974 | practice of nursing. No person may be appointed as a lay member
 2975 | who is in any way connected with, or has any financial interest
 2976 | in, any health care facility, agency, or insurer. At least one
 2977 | member of the board must be 60 years of age or older.

2978 | Section 64. Paragraph (a) of subsection (4) of section
 2979 | 464.0205, Florida Statutes, is amended to read:

2980 | 464.0205 Retired volunteer nurse certificate.—

2981 | (4) A retired volunteer nurse receiving certification from
 2982 | the board shall:

2983 | (a) Work under the direct supervision of the director of a
 2984 | county health department, a physician working under a limited
 2985 | license issued pursuant to s. 458.317 or s. 459.0075, a
 2986 | physician licensed under chapter 458 or chapter 459, an
 2987 | independent advanced practice registered nurse registered under

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2988 s. 464.0125, an advanced practice registered nurse ~~practitioner~~
 2989 certified under s. 464.012, or a registered nurse licensed under
 2990 s. 464.008 or s. 464.009.

2991 Section 65. Subsection (2) of section 467.003, Florida
 2992 Statutes, is amended to read:

2993 467.003 Definitions.—As used in this chapter, unless the
 2994 context otherwise requires:

2995 (2) "Certified nurse midwife" means a person who is
 2996 certified ~~licensed~~ as an advanced practice registered nurse
 2997 ~~practitioner~~ under part I of chapter 464 and who is certified to
 2998 practice midwifery by the American College of Nurse Midwives.

2999 Section 66. Paragraph (b) of subsection (1) of section
 3000 480.0475, Florida Statutes, is amended to read:

3001 480.0475 Massage establishments; prohibited practices.—

3002 (1) A person may not operate a massage establishment
 3003 between the hours of midnight and 5 a.m. This subsection does
 3004 not apply to a massage establishment:

3005 (b) In which every massage performed between the hours of
 3006 midnight and 5 a.m. is performed by a massage therapist acting
 3007 under the prescription of a physician or physician assistant
 3008 licensed under chapter 458, an osteopathic physician or
 3009 physician assistant licensed under chapter 459, a chiropractic
 3010 physician licensed under chapter 460, a podiatric physician
 3011 licensed under chapter 461, an independent advanced practice
 3012 registered nurse registered, or an advanced practice registered
 3013 nurse certified, ~~practitioner licensed~~ under part I of chapter

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3014 464, or a dentist licensed under chapter 466; or
 3015 Section 67. Subsection (7) of section 483.041, Florida
 3016 Statutes, is amended to read:
 3017 483.041 Definitions.—As used in this part, the term:
 3018 (7) "Licensed practitioner" means a physician licensed
 3019 under chapter 458, chapter 459, chapter 460, or chapter 461; a
 3020 certified optometrist licensed under chapter 463; a dentist
 3021 licensed under chapter 466; a person licensed under chapter 462;
 3022 ~~or an independent advanced practice registered nurse registered,~~
 3023 or an advanced practice registered nurse certified, ~~practitioner~~
 3024 ~~licensed~~ under part I of chapter 464; or a duly licensed
 3025 practitioner from another state licensed under similar statutes
 3026 who orders examinations on materials or specimens for
 3027 nonresidents of the State of Florida, but who reside in the same
 3028 state as the requesting licensed practitioner.
 3029 Section 68. Subsection (5) of section 483.181, Florida
 3030 Statutes, is amended to read:
 3031 483.181 Acceptance, collection, identification, and
 3032 examination of specimens.—
 3033 (5) A clinical laboratory licensed under this part must
 3034 accept a human specimen submitted for examination by a
 3035 practitioner licensed under chapter 458, chapter 459, chapter
 3036 460, chapter 461, chapter 462, chapter 463, s. 464.012, s.
 3037 464.0125, or chapter 466, if the specimen and test are the type
 3038 performed by the clinical laboratory. A clinical laboratory may
 3039 only refuse a specimen based upon a history of nonpayment for

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3040 services by the practitioner. A clinical laboratory shall not
 3041 charge different prices for tests based upon the chapter under
 3042 which a practitioner submitting a specimen for testing is
 3043 licensed.

3044 Section 69. Subsection (5) of section 483.801, Florida
 3045 Statutes, is amended to read:

3046 483.801 Exemptions.—This part applies to all clinical
 3047 laboratories and clinical laboratory personnel within this
 3048 state, except:

3049 (5) Advanced practice registered nurses certified nurse
 3050 ~~practitioners licensed~~ under part I of chapter 464 who perform
 3051 provider-performed microscopy procedures (PPMP) in an exclusive-
 3052 use laboratory setting.

3053 Section 70. Paragraph (a) of subsection (11) of section
 3054 486.021, Florida Statutes, is amended to read:

3055 486.021 Definitions.—In this chapter, unless the context
 3056 otherwise requires, the term:

3057 (11) "Practice of physical therapy" means the performance
 3058 of physical therapy assessments and the treatment of any
 3059 disability, injury, disease, or other health condition of human
 3060 beings, or the prevention of such disability, injury, disease,
 3061 or other condition of health, and rehabilitation as related
 3062 thereto by the use of the physical, chemical, and other
 3063 properties of air; electricity; exercise; massage; the
 3064 performance of acupuncture only upon compliance with the
 3065 criteria set forth by the Board of Medicine, when no penetration

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3066 of the skin occurs; the use of radiant energy, including
 3067 ultraviolet, visible, and infrared rays; ultrasound; water; the
 3068 use of apparatus and equipment in the application of the
 3069 foregoing or related thereto; the performance of tests of
 3070 neuromuscular functions as an aid to the diagnosis or treatment
 3071 of any human condition; or the performance of electromyography
 3072 as an aid to the diagnosis of any human condition only upon
 3073 compliance with the criteria set forth by the Board of Medicine.

3074 (a) A physical therapist may implement a plan of treatment
 3075 developed by the physical therapist for a patient or provided
 3076 for a patient by a practitioner of record or by an independent
 3077 advanced practice registered nurse registered under s. 464.0125
 3078 or an advanced practice registered nurse certified practitioner
 3079 ~~licensed~~ under s. 464.012. The physical therapist shall refer
 3080 the patient to or consult with a practitioner of record if the
 3081 patient's condition is found to be outside the scope of physical
 3082 therapy. If physical therapy treatment for a patient is required
 3083 beyond 21 days for a condition not previously assessed by a
 3084 practitioner of record, the physical therapist shall obtain a
 3085 practitioner of record who will review and sign the plan. For
 3086 purposes of this paragraph, a health care practitioner licensed
 3087 under chapter 458, chapter 459, chapter 460, chapter 461, or
 3088 chapter 466 and engaged in active practice is eligible to serve
 3089 as a practitioner of record.

3090 Section 71. Paragraph (d) of subsection (1) of section
 3091 490.012, Florida Statutes, is amended to read:

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3092 490.012 Violations; penalties; injunction.—
 3093 (1)
 3094 (d) No person shall hold herself or himself out by any
 3095 title or description incorporating the word, or a permutation of
 3096 the word, "psychotherapy" unless such person holds a valid,
 3097 active license under chapter 458, chapter 459, chapter 490, or
 3098 chapter 491, or such person is registered as an independent
 3099 advanced practice registered nurse, pursuant to s. 464.0125, or
 3100 certified as an advanced practice registered nurse ~~practitioner,~~
 3101 pursuant to s. 464.012, who has been determined by the Board of
 3102 Nursing as a specialist in psychiatric mental health.
 3103 Section 72. Subsection (1) of section 491.0057, Florida
 3104 Statutes, is amended to read:
 3105 491.0057 Dual licensure as a marriage and family
 3106 therapist.—The department shall license as a marriage and family
 3107 therapist any person who demonstrates to the board that he or
 3108 she:
 3109 (1) Holds a valid, active license as a psychologist under
 3110 chapter 490 or as a clinical social worker or mental health
 3111 counselor under this chapter, or is registered as an independent
 3112 advanced practice registered nurse, pursuant to s. 464.0125, or
 3113 certified under s. 464.012 as an advanced practice registered
 3114 nurse, ~~practitioner~~ who has been determined by the Board of
 3115 Nursing as a specialist in psychiatric mental health.
 3116 Section 73. Paragraph (d) of subsection (1) and subsection
 3117 (2) of section 491.012, Florida Statutes, is amended to read:

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3118 491.012 Violations; penalty; injunction.—
 3119 (1) It is unlawful and a violation of this chapter for any
 3120 person to:
 3121 (d) Use the terms psychotherapist, sex therapist, or
 3122 juvenile sexual offender therapist unless such person is
 3123 licensed pursuant to this chapter or chapter 490, or is
 3124 registered under s. 464.0125 as an independent advanced practice
 3125 registered nurse or certified under s. 464.012 as an advanced
 3126 practice registered nurse and practitioner who has been
 3127 determined by the Board of Nursing to be ~~as~~ a specialist in
 3128 psychiatric mental health and the use of such terms is within
 3129 the scope of her or his practice based on education, training,
 3130 and licensure.
 3131 (2) It is unlawful and a violation of this chapter for any
 3132 person to describe her or his services using the following terms
 3133 or any derivative thereof, unless such person holds a valid,
 3134 active license under this chapter or chapter 490, or is
 3135 registered under s. 464.0125 as an independent advanced practice
 3136 registered nurse or is certified under s. 464.012 as an advanced
 3137 practice registered nurse and practitioner who has been
 3138 determined by the Board of Nursing to be ~~as~~ a specialist in
 3139 psychiatric mental health and the use of such terms is within
 3140 the scope of her or his practice based on education, training,
 3141 and licensure:
 3142 (a) "Psychotherapy."
 3143 (b) "Sex therapy."

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- 3144 (c) "Sex counseling."
- 3145 (d) "Clinical social work."
- 3146 (e) "Psychiatric social work."
- 3147 (f) "Marriage and family therapy."
- 3148 (g) "Marriage and family counseling."
- 3149 (h) "Marriage counseling."
- 3150 (i) "Family counseling."
- 3151 (j) "Mental health counseling."

3152 Section 74. Subsection (2) of section 493.6108, Florida
 3153 Statutes, is amended to read:

3154 493.6108 Investigation of applicants by Department of
 3155 Agriculture and Consumer Services.—

3156 (2) In addition to subsection (1), the department shall
 3157 make an investigation of the general physical fitness of the
 3158 Class "G" applicant to bear a weapon or firearm. Determination
 3159 of physical fitness shall be certified by a physician or
 3160 physician assistant currently licensed pursuant to chapter 458,
 3161 chapter 459, or any similar law of another state or authorized
 3162 to act as a licensed physician by a federal agency or
 3163 department, or by an independent advanced practice registered
 3164 nurse registered, or an advanced practice registered nurse
 3165 certified, ~~practitioner currently licensed~~ pursuant to part I of
 3166 chapter 464. Such certification shall be submitted on a form
 3167 provided by the department.

3168 Section 75. Subsection (1) of section 626.9707, Florida
 3169 Statutes, is amended to read:

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3170 626.9707 Disability insurance; discrimination on basis of
 3171 sickle-cell trait prohibited.—

3172 (1) No insurer authorized to transact insurance in this
 3173 state shall refuse to issue and deliver in this state any policy
 3174 of disability insurance, whether such policy is defined as
 3175 individual, group, blanket, franchise, industrial, or otherwise,
 3176 which is currently being issued for delivery in this state and
 3177 which affords benefits and coverage for any medical treatment or
 3178 service authorized and permitted to be furnished by a hospital,
 3179 clinic, health clinic, neighborhood health clinic, health
 3180 maintenance organization, physician, physician's assistant,
 3181 independent advanced practice registered nurse, advanced
 3182 practice registered nurse ~~practitioner~~, or medical service
 3183 facility or personnel solely because the person to be insured
 3184 has the sickle-cell trait.

3185 Section 76. Paragraph (b) of subsection (1) of section
 3186 627.357, Florida Statutes, is amended to read:

3187 627.357 Medical malpractice self-insurance.—

3188 (1) DEFINITIONS.—As used in this section, the term:

3189 (b) "Health care provider" means any:

3190 1. Hospital licensed under chapter 395.

3191 2. Physician licensed, or physician assistant licensed,
 3192 under chapter 458.

3193 3. Osteopathic physician or physician assistant licensed
 3194 under chapter 459.

3195 4. Podiatric physician licensed under chapter 461.

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- 3196 5. Health maintenance organization certificated under part
 3197 I of chapter 641.
- 3198 6. Ambulatory surgical center licensed under chapter 395.
- 3199 7. Chiropractic physician licensed under chapter 460.
- 3200 8. Psychologist licensed under chapter 490.
- 3201 9. Optometrist licensed under chapter 463.
- 3202 10. Dentist licensed under chapter 466.
- 3203 11. Pharmacist licensed under chapter 465.
- 3204 12. Registered nurse, licensed practical nurse,
 3205 independent advanced practice registered nurse, or advanced
 3206 practice registered nurse ~~practitioner~~ licensed, registered, or
 3207 certified ~~registered~~ under part I of chapter 464.
- 3208 13. Other medical facility.
- 3209 14. Professional association, partnership, corporation,
 3210 joint venture, or other association established by the
 3211 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,
 3212 10., 11., and 12. for professional activity.
- 3213 Section 77. Paragraph (a) of subsection (1) of section
 3214 627.736, Florida Statutes, is amended to read:
- 3215 627.736 Required personal injury protection benefits;
 3216 exclusions; priority; claims.—
- 3217 (1) REQUIRED BENEFITS.—An insurance policy complying with
 3218 the security requirements of s. 627.733 must provide personal
 3219 injury protection to the named insured, relatives residing in
 3220 the same household, persons operating the insured motor vehicle,
 3221 passengers in the motor vehicle, and other persons struck by the

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3222 motor vehicle and suffering bodily injury while not an occupant
 3223 of a self-propelled vehicle, subject to subsection (2) and
 3224 paragraph (4) (e), to a limit of \$10,000 in medical and
 3225 disability benefits and \$5,000 in death benefits resulting from
 3226 bodily injury, sickness, disease, or death arising out of the
 3227 ownership, maintenance, or use of a motor vehicle as follows:

3228 (a) Medical benefits.—Eighty percent of all reasonable
 3229 expenses for medically necessary medical, surgical, X-ray,
 3230 dental, and rehabilitative services, including prosthetic
 3231 devices and medically necessary ambulance, hospital, and nursing
 3232 services if the individual receives initial services and care
 3233 pursuant to subparagraph 1. within 14 days after the motor
 3234 vehicle accident. The medical benefits provide reimbursement
 3235 only for:

3236 1. Initial services and care that are lawfully provided,
 3237 supervised, ordered, or prescribed by a physician licensed under
 3238 chapter 458 or chapter 459, a dentist licensed under chapter
 3239 466, ~~or~~ a chiropractic physician licensed under chapter 460, an
 3240 independent advanced practice registered nurse registered under
 3241 s. 464.0125, or that are provided in a hospital or in a facility
 3242 that owns, or is wholly owned by, a hospital. Initial services
 3243 and care may also be provided by a person or entity licensed
 3244 under part III of chapter 401 which provides emergency
 3245 transportation and treatment.

3246 2. Upon referral by a provider described in subparagraph
 3247 1., followup services and care consistent with the underlying

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3248 | medical diagnosis rendered pursuant to subparagraph 1. which may
 3249 | be provided, supervised, ordered, or prescribed only by a
 3250 | physician licensed under chapter 458 or chapter 459, a
 3251 | chiropractic physician licensed under chapter 460, a dentist
 3252 | licensed under chapter 466, an independent advanced practice
 3253 | registered nurse registered under s. 464.0125, or, to the extent
 3254 | permitted by applicable law and under the supervision of such
 3255 | physician, osteopathic physician, chiropractic physician, ~~or~~
 3256 | dentist, or independent advanced practice registered nurse
 3257 | registered under s. 464.0125, by a physician assistant licensed
 3258 | under chapter 458 or chapter 459 or an advanced practice
 3259 | registered nurse certified practitioner ~~licensed~~ under part I of
 3260 | chapter 464. Followup services and care may also be provided by
 3261 | the following persons or entities:
 3262 | a. A hospital or ambulatory surgical center licensed under
 3263 | chapter 395.
 3264 | b. An entity wholly owned by one or more physicians
 3265 | licensed under chapter 458 or chapter 459, chiropractic
 3266 | physicians licensed under chapter 460, ~~or~~ dentists licensed
 3267 | under chapter 466, independent advanced practice registered
 3268 | nurses registered under s. 464.0125, or by such practitioners
 3269 | and the spouse, parent, child, or sibling of such practitioners.
 3270 | c. An entity that owns or is wholly owned, directly or
 3271 | indirectly, by a hospital or hospitals.
 3272 | d. A physical therapist licensed under chapter 486, based
 3273 | upon a referral by a provider described in this subparagraph.

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3274 e. A health care clinic licensed under part X of chapter
 3275 400 which is accredited by an accrediting organization whose
 3276 standards incorporate comparable regulations required by this
 3277 state, or

3278 (I) Has a medical director licensed under chapter 458,
 3279 chapter 459, or chapter 460;

3280 (II) Has been continuously licensed for more than 3 years
 3281 or is a publicly traded corporation that issues securities
 3282 traded on an exchange registered with the United States
 3283 Securities and Exchange Commission as a national securities
 3284 exchange; and

3285 (III) Provides at least four of the following medical
 3286 specialties:

3287 (A) General medicine.

3288 (B) Radiography.

3289 (C) Orthopedic medicine.

3290 (D) Physical medicine.

3291 (E) Physical therapy.

3292 (F) Physical rehabilitation.

3293 (G) Prescribing or dispensing outpatient prescription
 3294 medication.

3295 (H) Laboratory services.

3296 3. Reimbursement for services and care provided in
 3297 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
 3298 licensed under chapter 458 or chapter 459, a dentist licensed
 3299 under chapter 466, an independent advanced practice registered

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3300 nurse registered under s. 464.0125, a physician assistant
 3301 licensed under chapter 458 or chapter 459, or an advanced
 3302 practice registered nurse certified ~~practitioner licensed~~ under
 3303 s. 464.012 ~~chapter 464~~ has determined that the injured person
 3304 had an emergency medical condition.

3305 4. Reimbursement for services and care provided in
 3306 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
 3307 provider listed in subparagraph 1. or subparagraph 2. determines
 3308 that the injured person did not have an emergency medical
 3309 condition.

3310 5. Medical benefits do not include massage as defined in
 3311 s. 480.033 or acupuncture as defined in s. 457.102, regardless
 3312 of the person, entity, or licensee providing massage or
 3313 acupuncture, and a licensed massage therapist or licensed
 3314 acupuncturist may not be reimbursed for medical benefits under
 3315 this section.

3316 6. The Financial Services Commission shall adopt by rule
 3317 the form that must be used by an insurer and a health care
 3318 provider specified in sub-subparagraph 2.b., sub-subparagraph
 3319 2.c., or sub-subparagraph 2.e. to document that the health care
 3320 provider meets the criteria of this paragraph. Such rule must
 3321 include a requirement for a sworn statement or affidavit.

3322
 3323 Only insurers writing motor vehicle liability insurance in this
 3324 state may provide the required benefits of this section, and
 3325 such insurer may not require the purchase of any other motor

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3326 vehicle coverage other than the purchase of property damage
 3327 liability coverage as required by s. 627.7275 as a condition for
 3328 providing such benefits. Insurers may not require that property
 3329 damage liability insurance in an amount greater than \$10,000 be
 3330 purchased in conjunction with personal injury protection. Such
 3331 insurers shall make benefits and required property damage
 3332 liability insurance coverage available through normal marketing
 3333 channels. An insurer writing motor vehicle liability insurance
 3334 in this state who fails to comply with such availability
 3335 requirement as a general business practice violates part IX of
 3336 chapter 626, and such violation constitutes an unfair method of
 3337 competition or an unfair or deceptive act or practice involving
 3338 the business of insurance. An insurer committing such violation
 3339 is subject to the penalties provided under that part, as well as
 3340 those provided elsewhere in the insurance code.

3341 Section 78. Subsection (6) of section 627.6471, Florida
 3342 Statutes, is amended to read:

3343 627.6471 Contracts for reduced rates of payment;
 3344 limitations; coinsurance and deductibles.—

3345 (6) If psychotherapeutic services are covered by a policy
 3346 issued by the insurer, the insurer shall provide eligibility
 3347 criteria for each group of health care providers licensed under
 3348 chapter 458, chapter 459, chapter 490, or chapter 491, which
 3349 include psychotherapy within the scope of their practice as
 3350 provided by law, or for any person who is registered as an
 3351 independent advanced practice registered nurse under s. 464.0125

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3352 or certified as an advanced practice registered nurse
 3353 ~~practitioner in psychiatric mental health~~ under s. 464.012 and
 3354 who specializes in psychiatric mental health. When
 3355 psychotherapeutic services are covered, eligibility criteria
 3356 shall be established by the insurer to be included in the
 3357 insurer's criteria for selection of network providers. The
 3358 insurer may not discriminate against a health care provider by
 3359 excluding such practitioner from its provider network solely on
 3360 the basis of the practitioner's license.

3361 Section 79. Subsections (15) and (17) of section 627.6472,
 3362 Florida Statutes, are amended to read:

3363 627.6472 Exclusive provider organizations.—

3364 (15) If psychotherapeutic services are covered by a policy
 3365 issued by the insurer, the insurer shall provide eligibility
 3366 criteria for all groups of health care providers licensed under
 3367 chapter 458, chapter 459, chapter 490, or chapter 491, which
 3368 include psychotherapy within the scope of their practice as
 3369 provided by law, or for any person who is registered as an
 3370 independent advanced practice registered nurse under s.
 3371 464.0125 or certified as an advanced practice registered nurse
 3372 ~~practitioner in psychiatric mental health~~ under s. 464.012, who
 3373 specializes in psychiatric mental health. When psychotherapeutic
 3374 services are covered, eligibility criteria shall be established
 3375 by the insurer to be included in the insurer's criteria for
 3376 selection of network providers. The insurer may not discriminate
 3377 against a health care provider by excluding such practitioner

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3378 | from its provider network solely on the basis of the
 3379 | practitioner's license.

3380 | (17) An exclusive provider organization shall not
 3381 | discriminate with respect to participation as to any independent
 3382 | advanced practice registered nurse registered pursuant to s.
 3383 | 464.0125 or advanced practice registered nurse ~~practitioner~~
 3384 | ~~licensed and~~ certified pursuant to s. 464.012, who is acting
 3385 | within the scope of such registration or license and
 3386 | certification, solely on the basis of such ~~license or~~
 3387 | registration or certification. This subsection shall not be
 3388 | construed to prohibit a plan from including providers only to
 3389 | the extent necessary to meet the needs of the plan's enrollees
 3390 | or from establishing any measure designed to maintain quality
 3391 | and control costs consistent with the responsibilities of the
 3392 | plan.

3393 | Section 80. Paragraph (e) of subsection (1) of section
 3394 | 633.412, Florida Statutes, is amended to read:

3395 | 633.412 Firefighters; qualifications for certification.—

3396 | (1) A person applying for certification as a firefighter
 3397 | must:

3398 | (e) Be in good physical condition as determined by a
 3399 | medical examination given by a physician, surgeon, or physician
 3400 | assistant licensed to practice in the state pursuant to chapter
 3401 | 458; an osteopathic physician, surgeon, or physician assistant
 3402 | licensed to practice in the state pursuant to chapter 459; an
 3403 | independent advanced practice registered nurse registered, or an

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3404 advanced practice registered nurse certified, ~~practitioner~~
 3405 ~~licensed~~ to practice in the state pursuant to part I of chapter
 3406 464. Such examination may include, but need not be limited to,
 3407 the National Fire Protection Association Standard 1582. A
 3408 medical examination evidencing good physical condition shall be
 3409 submitted to the division, on a form as provided by rule, before
 3410 an individual is eligible for admission into a course under s.
 3411 633.408.

3412 Section 81. Section 641.3923, Florida Statutes, is amended
 3413 to read:

3414 641.3923 Discrimination against providers prohibited.—A
 3415 health maintenance organization shall not discriminate with
 3416 respect to participation as to any independent advanced practice
 3417 registered nurse registered pursuant to s. 464.0125 or advanced
 3418 practice registered nurse ~~practitioner licensed and~~ certified
 3419 pursuant to s. 464.012, who is acting within the scope of such
 3420 ~~license and~~ registration or certification, solely on the basis
 3421 of such registration or ~~license or~~ certification. This section
 3422 shall not be construed to prohibit a plan from including
 3423 providers only to the extent necessary to meet the needs of the
 3424 plan's enrollees or from establishing any measure designed to
 3425 maintain quality and control costs consistent with the
 3426 responsibilities of the plan.

3427 Section 82. Subsection (8) of section 641.495, Florida
 3428 Statutes, is amended to read:

3429 641.495 Requirements for issuance and maintenance of

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3430 certificate.—

3431 (8) Each organization's contracts, certificates, and
 3432 subscriber handbooks shall contain a provision, if applicable,
 3433 disclosing that, for certain types of described medical
 3434 procedures, services may be provided by physician assistants,
 3435 independent advanced practice registered nurses, advanced
 3436 practice registered nurses ~~nurse-practitioners~~, or other
 3437 individuals who are not licensed physicians.

3438 Section 83. Paragraph (a) of subsection (3) of section
 3439 744.331, Florida Statutes, is amended to read:

3440 744.331 Procedures to determine incapacity.—

3441 (3) EXAMINING COMMITTEE.—

3442 (a) Within 5 days after a petition for determination of
 3443 incapacity has been filed, the court shall appoint an examining
 3444 committee consisting of three members. One member must be a
 3445 psychiatrist or other physician. The remaining members must be
 3446 either a psychologist, gerontologist, another psychiatrist, or
 3447 other physician, a registered nurse, an advanced practice
 3448 registered nurse ~~practitioner~~, a licensed social worker, a
 3449 person with an advanced degree in gerontology from an accredited
 3450 institution of higher education, or other person who by
 3451 knowledge, skill, experience, training, or education may, in the
 3452 court's discretion, advise the court in the form of an expert
 3453 opinion. One of three members of the committee must have
 3454 knowledge of the type of incapacity alleged in the petition.
 3455 Unless good cause is shown, the attending or family physician

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3456 | may not be appointed to the committee. If the attending or
 3457 | family physician is available for consultation, the committee
 3458 | must consult with the physician. Members of the examining
 3459 | committee may not be related to or associated with one another,
 3460 | with the petitioner, with counsel for the petitioner or the
 3461 | proposed guardian, or with the person alleged to be totally or
 3462 | partially incapacitated. A member may not be employed by any
 3463 | private or governmental agency that has custody of, or
 3464 | furnishes, services or subsidies, directly or indirectly, to the
 3465 | person or the family of the person alleged to be incapacitated
 3466 | or for whom a guardianship is sought. A petitioner may not serve
 3467 | as a member of the examining committee. Members of the examining
 3468 | committee must be able to communicate, either directly or
 3469 | through an interpreter, in the language that the alleged
 3470 | incapacitated person speaks or to communicate in a medium
 3471 | understandable to the alleged incapacitated person if she or he
 3472 | is able to communicate. The clerk of the court shall send notice
 3473 | of the appointment to each person appointed no later than 3 days
 3474 | after the court's appointment.

3475 | Section 84. Subsection (1) of section 744.703, Florida
 3476 | Statutes, is amended to read:

3477 | 744.703 Office of public guardian; appointment,
 3478 | notification.—

3479 | (1) The executive director of the Statewide Public
 3480 | Guardianship Office, after consultation with the chief judge and
 3481 | other circuit judges within the judicial circuit and with

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3482 appropriate advocacy groups and individuals and organizations
 3483 who are knowledgeable about the needs of incapacitated persons,
 3484 may establish, within a county in the judicial circuit or within
 3485 the judicial circuit, one or more offices of public guardian and
 3486 if so established, shall create a list of persons best qualified
 3487 to serve as the public guardian, who have been investigated
 3488 pursuant to s. 744.3135. The public guardian must have knowledge
 3489 of the legal process and knowledge of social services available
 3490 to meet the needs of incapacitated persons. The public guardian
 3491 shall maintain a staff or contract with professionally qualified
 3492 individuals to carry out the guardianship functions, including
 3493 an attorney who has experience in probate areas and another
 3494 person who has a master's degree in social work, or a
 3495 gerontologist, psychologist, registered nurse, independent
 3496 advanced practice registered nurse, or advanced practice
 3497 registered nurse practitioner. A public guardian that is a
 3498 nonprofit corporate guardian under s. 744.309(5) must receive
 3499 tax-exempt status from the United States Internal Revenue
 3500 Service.

3501 Section 85. Subsection (6) of section 766.102, Florida
 3502 Statutes, is amended to read:

3503 766.102 Medical negligence; standards of recovery; expert
 3504 witness.—

3505 (6) A physician licensed under chapter 458 or chapter 459
 3506 who qualifies as an expert witness under subsection (5) and who,
 3507 by reason of active clinical practice or instruction of

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3508 students, has knowledge of the applicable standard of care for
 3509 nurses, independent advanced practice registered nurses,
 3510 advanced practice registered nurses ~~nurse practitioners,~~
 3511 ~~certified registered nurse anesthetists, certified registered~~
 3512 ~~nurse midwives,~~ physician assistants, or other medical support
 3513 staff may give expert testimony in a medical negligence action
 3514 with respect to the standard of care of such medical support
 3515 staff.

3516 Section 86. Subsection (3) of section 766.103, Florida
 3517 Statutes, is amended to read:

3518 766.103 Florida Medical Consent Law.—

3519 (3) No recovery shall be allowed in any court in this
 3520 state against any physician licensed under chapter 458,
 3521 osteopathic physician licensed under chapter 459, chiropractic
 3522 physician licensed under chapter 460, podiatric physician
 3523 licensed under chapter 461, dentist licensed under chapter 466,
 3524 independent advanced practice registered nurse registered under
 3525 s. 464.0125, advanced practice registered nurse ~~practitioner~~
 3526 certified under s. 464.012, or physician assistant licensed
 3527 under s. 458.347 or s. 459.022 in an action brought for
 3528 treating, examining, or operating on a patient without his or
 3529 her informed consent when:

3530 (a)1. The action of the physician, osteopathic physician,
 3531 chiropractic physician, podiatric physician, dentist,
 3532 independent advanced practice registered nurse, advanced
 3533 practice registered nurse ~~practitioner,~~ or physician assistant

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3534 in obtaining the consent of the patient or another person
 3535 authorized to give consent for the patient was in accordance
 3536 with an accepted standard of medical practice among members of
 3537 the medical profession with similar training and experience in
 3538 the same or similar medical community as that of the person
 3539 treating, examining, or operating on the patient for whom the
 3540 consent is obtained; and

3541 2. A reasonable individual, from the information provided
 3542 by the physician, osteopathic physician, chiropractic physician,
 3543 podiatric physician, dentist, independent advanced practice
 3544 registered nurse, advanced practice registered nurse
 3545 ~~practitioner~~, or physician assistant, under the circumstances,
 3546 would have a general understanding of the procedure, the
 3547 medically acceptable alternative procedures or treatments, and
 3548 the substantial risks and hazards inherent in the proposed
 3549 treatment or procedures, which are recognized among other
 3550 physicians, osteopathic physicians, chiropractic physicians,
 3551 podiatric physicians, or dentists in the same or similar
 3552 community who perform similar treatments or procedures; or

3553 (b) The patient would reasonably, under all the
 3554 surrounding circumstances, have undergone such treatment or
 3555 procedure had he or she been advised by the physician,
 3556 osteopathic physician, chiropractic physician, podiatric
 3557 physician, dentist, independent advanced practice registered
 3558 nurse, advanced practice registered nurse ~~practitioner~~, or
 3559 physician assistant in accordance with the provisions of

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3560 paragraph (a).

3561 Section 87. Paragraph (d) of subsection (3) of section

3562 766.1115, Florida Statutes, is amended to read:

3563 766.1115 Health care providers; creation of agency

3564 relationship with governmental contractors.—

3565 (3) DEFINITIONS.—As used in this section, the term:

3566 (d) "Health care provider" or "provider" means:

3567 1. A birth center licensed under chapter 383.

3568 2. An ambulatory surgical center licensed under chapter

3569 395.

3570 3. A hospital licensed under chapter 395.

3571 4. A physician or physician assistant licensed under

3572 chapter 458.

3573 5. An osteopathic physician or osteopathic physician

3574 assistant licensed under chapter 459.

3575 6. A chiropractic physician licensed under chapter 460.

3576 7. A podiatric physician licensed under chapter 461.

3577 8. A registered nurse, ~~nurse-midwife~~, licensed practical

3578 nurse, independent advanced practice registered nurse, or

3579 advanced practice registered nurse ~~practitioner~~ licensed,

3580 registered, or certified ~~registered~~ under part I of chapter 464

3581 or any facility which employs nurses licensed, registered, or

3582 certified ~~registered~~ under part I of chapter 464 to supply all

3583 or part of the care delivered under this section.

3584 9. A midwife licensed under chapter 467.

3585 10. A health maintenance organization certificated under

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3586 part I of chapter 641.

3587 11. A health care professional association and its
3588 employees or a corporate medical group and its employees.

3589 12. Any other medical facility the primary purpose of
3590 which is to deliver human medical diagnostic services or which
3591 delivers nonsurgical human medical treatment, and which includes
3592 an office maintained by a provider.

3593 13. A dentist or dental hygienist licensed under chapter
3594 466.

3595 14. A free clinic that delivers only medical diagnostic
3596 services or nonsurgical medical treatment free of charge to all
3597 low-income recipients.

3598 15. Any other health care professional, practitioner,
3599 provider, or facility under contract with a governmental
3600 contractor, including a student enrolled in an accredited
3601 program that prepares the student for licensure as any one of
3602 the professionals listed in subparagraphs 4.-9.

3603
3604 The term includes any nonprofit corporation qualified as exempt
3605 from federal income taxation under s. 501(a) of the Internal
3606 Revenue Code, and described in s. 501(c) of the Internal Revenue
3607 Code, which delivers health care services provided by licensed
3608 professionals listed in this paragraph, any federally funded
3609 community health center, and any volunteer corporation or
3610 volunteer health care provider that delivers health care
3611 services.

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3612 Section 88. Subsection (1) of section 766.1116, Florida
 3613 Statutes, is amended to read:

3614 766.1116 Health care practitioner; waiver of license
 3615 renewal fees and continuing education requirements.—

3616 (1) As used in this section, the term "health care
 3617 practitioner" means a physician or physician assistant licensed
 3618 under chapter 458; an osteopathic physician or physician
 3619 assistant licensed under chapter 459; a chiropractic physician
 3620 licensed under chapter 460; a podiatric physician licensed under
 3621 chapter 461; an independent advanced practice registered nurse,
 3622 an advanced practice registered nurse ~~practitioner~~, registered
 3623 nurse, or licensed practical nurse licensed, registered, or
 3624 certified under part I of chapter 464; a dentist or dental
 3625 hygienist licensed under chapter 466; or a midwife licensed
 3626 under chapter 467, who participates as a health care provider
 3627 under s. 766.1115.

3628 Section 89. Paragraph (c) of subsection (1) of section
 3629 766.118, Florida Statutes, is amended to read:

3630 766.118 Determination of noneconomic damages.—

3631 (1) DEFINITIONS.—As used in this section, the term:

3632 (c) "Practitioner" means any person licensed under chapter
 3633 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter
 3634 463, chapter 466, chapter 467, or chapter 486, registered under
 3635 s. 464.0125, or certified under s. 464.012. "Practitioner" also
 3636 means any association, corporation, firm, partnership, or other
 3637 business entity under which such practitioner practices or any

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3638 employee of such practitioner or entity acting in the scope of
 3639 his or her employment. For the purpose of determining the
 3640 limitations on noneconomic damages set forth in this section,
 3641 the term "practitioner" includes any person or entity for whom a
 3642 practitioner is vicariously liable and any person or entity
 3643 whose liability is based solely on such person or entity being
 3644 vicariously liable for the actions of a practitioner.

3645 Section 90. Subsection (3) of section 768.135, Florida
 3646 Statutes, is amended to read:

3647 768.135 Volunteer team practitioners ~~physicians~~;
 3648 immunity.—

3649 (3) A practitioner licensed under chapter 458, chapter
 3650 459, chapter 460, s. 464.0125, or s. 464.012 who gratuitously
 3651 and in good faith conducts an evaluation pursuant to s.
 3652 1006.20(2)(c) is not liable for any civil damages arising from
 3653 that evaluation unless the evaluation was conducted in a
 3654 wrongful manner.

3655 Section 91. Subsection (4) of section 782.071, Florida
 3656 Statutes, is amended to read:

3657 782.071 Vehicular homicide.—"Vehicular homicide" is the
 3658 killing of a human being, or the killing of a viable fetus by
 3659 any injury to the mother, caused by the operation of a motor
 3660 vehicle by another in a reckless manner likely to cause the
 3661 death of, or great bodily harm to, another.

3662 (4) In addition to any other punishment, the court may
 3663 order the person to serve 120 community service hours in a

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3664 trauma center or hospital that regularly receives victims of
 3665 vehicle accidents, under the supervision of an independent
 3666 advanced practice registered nurse, an advanced practice
 3667 registered nurse, registered nurse, an emergency room physician,
 3668 or an emergency medical technician pursuant to a voluntary
 3669 community service program operated by the trauma center or
 3670 hospital.

3671 Section 92. Subsection (5) of section 794.08, Florida
 3672 Statutes, is amended to read:

3673 794.08 Female genital mutilation.—

3674 (5) This section does not apply to procedures performed by
 3675 or under the direction of a physician licensed under chapter
 3676 458;; an osteopathic physician licensed under chapter 459;; a
 3677 registered nurse ~~licensed under part I of chapter 464,~~ a
 3678 practical nurse ~~licensed under part I of chapter 464,~~ an
 3679 independent advanced practice registered nurse, or an advanced
 3680 practice registered nurse licensed, registered, or certified
 3681 ~~practitioner licensed~~ under part I of chapter 464;; a midwife
 3682 licensed under chapter 467;; or a physician assistant licensed
 3683 under chapter 458 or chapter 459,, when necessary to preserve the
 3684 physical health of a female person. This section also does not
 3685 apply to any autopsy or limited dissection conducted pursuant to
 3686 chapter 406.

3687 Section 93. Subsection (21) of section 893.02, Florida
 3688 Statutes, is amended to read:

3689 893.02 Definitions.—The following words and phrases as

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3690 used in this chapter shall have the following meanings, unless
 3691 the context otherwise requires:

3692 (21) "Practitioner" means a physician licensed pursuant to
 3693 chapter 458, a dentist licensed pursuant to chapter 466, a
 3694 veterinarian licensed pursuant to chapter 474, an osteopathic
 3695 physician licensed pursuant to chapter 459, a naturopath
 3696 licensed pursuant to chapter 462, a certified optometrist
 3697 licensed pursuant to chapter 463, an independent advanced
 3698 practice registered nurse registered pursuant to s. 464.0125, an
 3699 advanced practice registered nurse certified pursuant to s.
 3700 464.012, or a podiatric physician licensed pursuant to chapter
 3701 461, provided such practitioner holds a valid federal controlled
 3702 substance registry number.

3703 Section 94. Subsection (6) of section 943.13, Florida
 3704 Statutes, is amended to read:

3705 943.13 Officers' minimum qualifications for employment or
 3706 appointment.—On or after October 1, 1984, any person employed or
 3707 appointed as a full-time, part-time, or auxiliary law
 3708 enforcement officer or correctional officer; on or after October
 3709 1, 1986, any person employed as a full-time, part-time, or
 3710 auxiliary correctional probation officer; and on or after
 3711 October 1, 1986, any person employed as a full-time, part-time,
 3712 or auxiliary correctional officer by a private entity under
 3713 contract to the Department of Corrections, to a county
 3714 commission, or to the Department of Management Services shall:

3715 (6) Have passed a physical examination by a licensed

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3716 physician, physician assistant, independent advanced practice
 3717 registered nurse, or certified advanced practice registered
 3718 nurse ~~practitioner~~, based on specifications established by the
 3719 commission. In order to be eligible for the presumption set
 3720 forth in s. 112.18 while employed with an employing agency, a
 3721 law enforcement officer, correctional officer, or correctional
 3722 probation officer must have successfully passed the physical
 3723 examination required by this subsection upon entering into
 3724 service as a law enforcement officer, correctional officer, or
 3725 correctional probation officer with the employing agency, which
 3726 examination must have failed to reveal any evidence of
 3727 tuberculosis, heart disease, or hypertension. A law enforcement
 3728 officer, correctional officer, or correctional probation officer
 3729 may not use a physical examination from a former employing
 3730 agency for purposes of claiming the presumption set forth in s.
 3731 112.18 against the current employing agency.

3732 Section 95. Subsection (2) of section 945.603, Florida
 3733 Statutes, is amended to read:

3734 945.603 Powers and duties of authority.—The purpose of the
 3735 authority is to assist in the delivery of health care services
 3736 for inmates in the Department of Corrections by advising the
 3737 Secretary of Corrections on the professional conduct of primary,
 3738 convalescent, dental, and mental health care and the management
 3739 of costs consistent with quality care, by advising the Governor
 3740 and the Legislature on the status of the Department of
 3741 Corrections' health care delivery system, and by assuring that

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3742 adequate standards of physical and mental health care for
 3743 inmates are maintained at all Department of Corrections
 3744 institutions. For this purpose, the authority has the authority
 3745 to:

3746 (2) Review and make recommendations regarding health care
 3747 for the delivery of health care services including, but not
 3748 limited to, acute hospital-based services and facilities,
 3749 primary and tertiary care services, ancillary and clinical
 3750 services, dental services, mental health services, intake and
 3751 screening services, medical transportation services, and the use
 3752 of advanced practice registered nurses ~~nurse practitioner~~ and
 3753 physician assistants ~~assistant personnel~~ to act as physician
 3754 extenders as these relate to inmates in the Department of
 3755 Corrections.

3756 Section 96. Paragraph (i) of subsection (3) of section
 3757 1002.20, Florida Statutes, is amended to read:

3758 1002.20 K-12 student and parent rights.—Parents of public
 3759 school students must receive accurate and timely information
 3760 regarding their child's academic progress and must be informed
 3761 of ways they can help their child to succeed in school. K-12
 3762 students and their parents are afforded numerous statutory
 3763 rights including, but not limited to, the following:

3764 (3) HEALTH ISSUES.—

3765 (i) Epinephrine use and supply.—

3766 1. A student who has experienced or is at risk for life-
 3767 threatening allergic reactions may carry an epinephrine auto-

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3768 injector and self-administer epinephrine by auto-injector while
 3769 in school, participating in school-sponsored activities, or in
 3770 transit to or from school or school-sponsored activities if the
 3771 school has been provided with parental and physician
 3772 authorization. The State Board of Education, in cooperation with
 3773 the Department of Health, shall adopt rules for such use of
 3774 epinephrine auto-injectors that shall include provisions to
 3775 protect the safety of all students from the misuse or abuse of
 3776 auto-injectors. A school district, county health department,
 3777 public-private partner, and their employees and volunteers shall
 3778 be indemnified by the parent of a student authorized to carry an
 3779 epinephrine auto-injector for any and all liability with respect
 3780 to the student's use of an epinephrine auto-injector pursuant to
 3781 this paragraph.

3782 2. A public school may purchase from a wholesale
 3783 distributor as defined in s. 499.003 and maintain in a locked,
 3784 secure location on its premises a supply of epinephrine auto-
 3785 injectors for use if a student is having an anaphylactic
 3786 reaction. The participating school district shall adopt a
 3787 protocol developed by a licensed physician for the
 3788 administration by school personnel who are trained to recognize
 3789 an anaphylactic reaction and to administer an epinephrine auto-
 3790 injection. The supply of epinephrine auto-injectors may be
 3791 provided to and used by a student authorized to self-administer
 3792 epinephrine by auto-injector under subparagraph 1. or trained
 3793 school personnel.

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3794 3. The school district and its employees and agents,
 3795 including the physician who provides the standing protocol for
 3796 school epinephrine auto-injectors, are not liable for any injury
 3797 arising from the use of an epinephrine auto-injector
 3798 administered by trained school personnel who follow the adopted
 3799 protocol and whose professional opinion is that the student is
 3800 having an anaphylactic reaction:

3801 a. Unless the trained school personnel's action is willful
 3802 and wanton;

3803 b. Notwithstanding that the parents or guardians of the
 3804 student to whom the epinephrine is administered have not been
 3805 provided notice or have not signed a statement acknowledging
 3806 that the school district is not liable; and

3807 c. Regardless of whether authorization has been given by
 3808 the student's parents or guardians or by the student's
 3809 physician, a physician ~~physician's~~ assistant, an independent
 3810 advanced practice registered nurse, or an advanced practice
 3811 registered nurse ~~practitioner~~.

3812 Section 97. Paragraph (b) of subsection (17) of section
 3813 1002.42, Florida Statutes, is amended to read:

3814 1002.42 Private schools.—

3815 (17) EPINEPHRINE SUPPLY.—

3816 (b) The private school and its employees and agents,
 3817 including the physician who provides the standing protocol for
 3818 school epinephrine auto-injectors, are not liable for any injury
 3819 arising from the use of an epinephrine auto-injector

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3820 administered by trained school personnel who follow the adopted
 3821 protocol and whose professional opinion is that the student is
 3822 having an anaphylactic reaction:

3823 1. Unless the trained school personnel's action is willful
 3824 and wanton;

3825 2. Notwithstanding that the parents or guardians of the
 3826 student to whom the epinephrine is administered have not been
 3827 provided notice or have not signed a statement acknowledging
 3828 that the school district is not liable; and

3829 3. Regardless of whether authorization has been given by
 3830 the student's parents or guardians or by the student's
 3831 physician, a physician ~~physician's assistant~~, an independent
 3832 advanced practice registered nurse, or an advanced practice
 3833 registered nurse practitioner.

3834 Section 98. Subsections (4) and (5) of section 1006.062,
 3835 Florida Statutes, are amended to read:

3836 1006.062 Administration of medication and provision of
 3837 medical services by district school board personnel.-

3838 (4) Nonmedical assistive personnel shall be allowed to
 3839 perform health-related services upon successful completion of
 3840 child-specific training by a registered nurse, an independent
 3841 advanced practice registered nurse, or an advanced practice
 3842 registered nurse practitioner licensed, registered, or certified
 3843 under part I of chapter 464, a physician licensed pursuant to
 3844 chapter 458 or chapter 459, or a physician assistant licensed
 3845 pursuant to chapter 458 or chapter 459. All procedures shall be

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3846 monitored periodically by a nurse, an independent advanced
 3847 practice registered nurse, an advanced practice registered nurse
 3848 ~~practitioner~~, a physician assistant, or a physician, including,
 3849 but not limited to:

- 3850 (a) Intermittent clean catheterization.
- 3851 (b) Gastrostomy tube feeding.
- 3852 (c) Monitoring blood glucose.
- 3853 (d) Administering emergency injectable medication.
- 3854 (5) For all other invasive medical services not listed in
 3855 this subsection, a registered nurse, an independent advanced
 3856 practice registered nurse, or advanced practice registered nurse
 3857 ~~practitioner~~ licensed, registered, or certified under part I of
 3858 chapter 464, a physician licensed pursuant to chapter 458 or
 3859 chapter 459, or a physician assistant licensed pursuant to
 3860 chapter 458 or chapter 459 shall determine if nonmedical
 3861 district school board personnel shall be allowed to perform such
 3862 service.

3863 Section 99. Paragraph (c) of subsection (2) of section
 3864 1006.20, Florida Statutes, is amended to read:

3865 1006.20 Athletics in public K-12 schools.—

3866 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

3867 (c) The FHSAA shall adopt bylaws that require all students
 3868 participating in interscholastic athletic competition or who are
 3869 candidates for an interscholastic athletic team to
 3870 satisfactorily pass a medical evaluation each year prior to
 3871 participating in interscholastic athletic competition or

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3872 engaging in any practice, tryout, workout, or other physical
 3873 activity associated with the student's candidacy for an
 3874 interscholastic athletic team. Such medical evaluation may be
 3875 administered only by a practitioner licensed under chapter 458,
 3876 chapter 459, chapter 460, s. 464.0125, or s. 464.012, and in
 3877 good standing with the practitioner's regulatory board. The
 3878 bylaws shall establish requirements for eliciting a student's
 3879 medical history and performing the medical evaluation required
 3880 under this paragraph, which shall include a physical assessment
 3881 of the student's physical capabilities to participate in
 3882 interscholastic athletic competition as contained in a uniform
 3883 preparticipation physical evaluation and history form. The
 3884 evaluation form shall incorporate the recommendations of the
 3885 American Heart Association for participation cardiovascular
 3886 screening and shall provide a place for the signature of the
 3887 practitioner performing the evaluation with an attestation that
 3888 each examination procedure listed on the form was performed by
 3889 the practitioner or by someone under the direct supervision of
 3890 the practitioner. The form shall also contain a place for the
 3891 practitioner to indicate if a referral to another practitioner
 3892 was made in lieu of completion of a certain examination
 3893 procedure. The form shall provide a place for the practitioner
 3894 to whom the student was referred to complete the remaining
 3895 sections and attest to that portion of the examination. The
 3896 preparticipation physical evaluation form shall advise students
 3897 to complete a cardiovascular assessment and shall include

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3898 information concerning alternative cardiovascular evaluation and
 3899 diagnostic tests. Results of such medical evaluation must be
 3900 provided to the school. No student shall be eligible to
 3901 participate in any interscholastic athletic competition or
 3902 engage in any practice, tryout, workout, or other physical
 3903 activity associated with the student's candidacy for an
 3904 interscholastic athletic team until the results of the medical
 3905 evaluation have been received and approved by the school.

3906 Section 100. Subsection (1) and paragraph (a) of
 3907 subsection (2) of section 1009.65, Florida Statutes, is amended
 3908 to read:

3909 1009.65 Medical Education Reimbursement and Loan Repayment
 3910 Program.—

3911 (1) To encourage qualified medical professionals to
 3912 practice in underserved locations where there are shortages of
 3913 such personnel, there is established the Medical Education
 3914 Reimbursement and Loan Repayment Program. The function of the
 3915 program is to make payments that offset loans and educational
 3916 expenses incurred by students for studies leading to a medical
 3917 or nursing degree, medical or nursing licensure, or advanced
 3918 practice registered nurse ~~practitioner~~ certification or
 3919 physician assistant licensure. The following licensed or
 3920 certified health care professionals are eligible to participate
 3921 in this program: medical doctors with primary care specialties,
 3922 doctors of osteopathic medicine with primary care specialties,
 3923 physician's assistants, licensed practical nurses and registered

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3924 nurses, and advanced practice registered nurses ~~nurse~~
 3925 ~~practitioners~~ with primary care specialties such as certified
 3926 nurse midwives. Primary care medical specialties for physicians
 3927 include obstetrics, gynecology, general and family practice,
 3928 internal medicine, pediatrics, and other specialties which may
 3929 be identified by the Department of Health.

3930 (2) From the funds available, the Department of Health
 3931 shall make payments to selected medical professionals as
 3932 follows:

3933 (a) Up to \$4,000 per year for licensed practical nurses
 3934 and registered nurses, up to \$10,000 per year for advanced
 3935 practice registered nurses ~~nurse-practitioners~~ and physician's
 3936 assistants, and up to \$20,000 per year for physicians. Penalties
 3937 for noncompliance shall be the same as those in the National
 3938 Health Services Corps Loan Repayment Program. Educational
 3939 expenses include costs for tuition, matriculation, registration,
 3940 books, laboratory and other fees, other educational costs, and
 3941 reasonable living expenses as determined by the Department of
 3942 Health.

3943 Section 101. Subsection (2) of section 1009.66, Florida
 3944 Statutes, is amended to read:

3945 1009.66 Nursing Student Loan Forgiveness Program.—

3946 (2) To be eligible, a candidate must have graduated from
 3947 an accredited or approved nursing program and have received a
 3948 Florida license as a licensed practical nurse or a registered
 3949 nurse or a Florida certificate as an advanced practice

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3950 registered nurse ~~practitioner~~.

3951 Section 102. Subsection (3) of section 1009.67, Florida
3952 Statutes, is amended to read:

3953 1009.67 Nursing scholarship program.—

3954 (3) A scholarship may be awarded for no more than 2 years,
3955 in an amount not to exceed \$8,000 per year. However, registered
3956 nurses pursuing a graduate degree for a faculty position or to
3957 practice as an advanced practice registered nurse ~~practitioner~~
3958 may receive up to \$12,000 per year. These amounts shall be
3959 adjusted by the amount of increase or decrease in the Consumer
3960 Price Index for All Urban Consumers published by the United
3961 States Department of Commerce.

3962 Section 103. This act shall take effect July 1, 2014.