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# **Select Committee on Health Care Workforce Innovation**

**Monday, February 10, 2014  
3:30 PM - 6:30 PM  
Morris Hall (17 HOB)**

**Will Weatherford  
Speaker**

**Jose R. Oliva  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Select Committee on Health Care Workforce Innovation

**Start Date and Time:** Monday, February 10, 2014 03:30 pm

**End Date and Time:** Monday, February 10, 2014 06:30 pm

**Location:** Morris Hall (17 HOB)

**Duration:** 3.00 hrs

**Workshop on the following:**

PCB SCHCWI 14-01 -- Advanced Practice Registered Nurses

**NOTICE FINALIZED on 02/03/2014 16:03 by Iseminger.Bobbye**

**PCB SCHCWI 14-01: Summary**  
**Advanced Practice Registered Nurses**

First, the PCB makes changes to the current scope of practice for Advanced Registered Nurse Practitioners (ARNPs) by authorizing all ARNPs to prescribe controlled substances if allowed under their supervising physician's written protocol.

Second, the PCB allows ARNPs to practice and prescribe controlled substances independently and without a physician protocol, if they choose to do so. The PCB:

- Creates a new registration category of "Independent Advanced Practice Registered Nurse" (IAPRN) under the Board of Nursing for ARNPs who meet certain eligibility criteria, including time practicing as a physician-supervised ARNP;
- Allows IAPRNs to practice independently regardless of specialty; and
- Gives IAPRNs "global signature authority," which allows them to sign, certify, verify, or make any endorsement that a physician may provide.

The PCB requires IAPRNs to meet many of the same regulatory requirements as physicians to ensure safe prescribing of controlled substances and safe independent practice. The PCB:

- Requires adverse incident reporting;
- Authorizes the Board of Nursing to administratively discipline IAPRNs for violations similar to those authorized in the Medical Practice Act; and
- Subjects IAPRNs to the same strict standards as physicians for prescribing controlled substances.

Third, the PCB aligns Florida laws with others states' laws by titling ARNPs, "Advanced Practice Registered Nurses."

Finally, the PCB makes numerous conforming changes throughout Florida Statutes.

**Advanced Practice Registered Nurse  
Proposed Committee Bill  
Section-by-Section Analysis**

<b>Section #</b>	<b>Line #</b>	<b>Law</b>	<b>Analysis</b>
1	429	464.003	Defines “independent advanced practice registered nurse” (IAPRN) and makes conforming changes.
2	505	464.012	Revises requirements to be certified as an advanced practice registered nurse (APRN); authorizes APRNs to administer, dispense, and prescribe controlled substances pursuant to a physician supervised protocol; and makes conforming changes.
3	637	464.0125	<p>Provides IAPRN registration requirements:</p> <ul style="list-style-type: none"> <li>• APRN certification,</li> <li>• Full-time practice for 3 years in any U.S. jurisdiction,</li> <li>• No disciplinary history for 5 years,</li> <li>• Completed graduate level pharmacology course, and</li> <li>• Any other requirements the Board of Nursing (board) requires for specialty practice.</li> </ul> <p>Authorizes IAPRN to practice autonomously, without supervision or protocol, current APRN practices and:</p> <ul style="list-style-type: none"> <li>• Admitting and discharging privileges to health care facilities and care management at such facilities.</li> <li>• Global signature authority.</li> </ul> <p>Requires the IAPRN to:</p> <ul style="list-style-type: none"> <li>• Reflect registration as an IAPRN in APRN practitioner profile.</li> <li>• Biennially renew registration and complete 10 hours of pharmacology continuing education to renew. Renewal must coincide with APRN certificate renewal.</li> </ul> <p>Provides:</p> <ul style="list-style-type: none"> <li>• Registration and biennial renewal fees to be set by the board with specified fee caps.</li> <li>• Rulemaking authority.</li> </ul>
4	693	464.015	Provides title protection for IAPRNs and makes conforming changes. (Penalty=M1)
5	717	464.0155	Requires IAPRNs to report to the board adverse incidents, specifies when and how reported, provides what constitutes an “adverse incident,” and authorizes the board to discipline for adverse incidents.
6	752	464.016	Provides criminal penalty for misusing title of IAPRNs and makes conforming changes. (Penalty=M1)
7	766	464.018	Authorizes the board to discipline APRNs and IAPRNs for certain acts related to prescribing drugs, owning or operating a business, supervising

Section #	Line #	Law	Analysis
			other providers, and managing the care of patients. MDs and DOs may currently be disciplined for these acts under their respective practice acts.
8	896	39.303	Negates the need for a child protection team to perform a medical exam when an IAPRN has conducted a medical examination of a child for alleged child abuse or neglect and makes conforming changes.
9	951	39.304	Authorizes an IAPRN to perform a medical exam to detect and diagnose alleged child abuse or neglect and makes conforming changes.
10	975	90.503	Includes IAPRNs who practice in mental or emotional health (just like APRNs) in the definition of "psychotherapist" and makes conforming changes.
11	1008	110.12315	Makes a conforming change related to reimbursement for prescription drugs as the bill authorizes IAPRNs, and APRNs under protocol, to prescribe medicinal drugs, including controlled substances.
12	1029	112.0455	Authorizes an IAPRN to collect a specimen for a drug test at the scene of an accident to render treatment.
13	1044	121.0515	Makes conforming changes by changing ARNP titles to APRN under specified special risk classes.
14	1086	252.515	Makes conforming change by changing ARNP title to APRN under definition of "emergency first responder" in the Postdisaster Relief Assistance Act.
15	1111	310.071	Authorizes an IAPRN to perform physical examination of applicant for deputy pilot certificate.
16	1140	310.073	Authorizes an IAPRN to perform physical examination of applicant for state pilot license.
17	1168	310.081	Authorizes IAPRNs to conduct physical examinations of deputy pilots or state pilots for them to maintain certificates or licenses.
18	1205	320.0848	Authorizes an IAPRN or APRN to certify a person's disability, as is currently authorized for certified nurse practitioners.
19	1250	381.00315	Authorizes the reactivation of a license of an IAPRN as is currently done for APRNs during a public health emergency.
20	1334	381.00593	Includes IAPRN in definition of "health care practitioner" under the Public School Volunteer Health Care Practitioner Program. APRNs currently fall within that definition.
21	1352	381.026	Includes IAPRN in the definition of "health care provider" subjecting IAPRNs to the requirements under the Florida Patient's Bill of Rights and Responsibilities Act.
22	1363	383.141	Includes IAPRNs in the definition of "health care provider" which requires them to provide certain patients with information related to prenatally diagnosed conditions.
23	1374	390.0111	Authorizes IAPRN to review ultrasound with woman prior to abortion while physician present. Currently APRNs may also be used to review the ultrasound.
24	1455	390.012	Including IAPRNs in a list of health care practitioners who must be on the

<b>Section #</b>	<b>Line #</b>	<b>Law</b>	<b>Analysis</b>
			premises of an abortion clinic under certain circumstances.
<b>25</b>	1551	394.455	Includes IAPRNs who have a national certificate as a psychiatric-mental health advanced practice nurse in the definition of "psychiatric nurse."
<b>26</b>	1563	394.463	Authorizes IAPRNs and APRNs to execute a certificate to require, under the Baker Act, an involuntary examination of a person.
<b>27</b>	1617	395.0191	Provides requirements relating to hospitals, ambulatory surgical centers, or mobile surgical facilities authorizing clinical privileges for IAPRNs. The same requirements currently apply to APRNs. Provides such facilities are not required to have a physician provide onsite medical direction of a CRNA who administers anesthesia.
<b>28</b>	1662	395.602	Makes a technical change by adding the term "certified" to the term "nurse practitioner" throughout the section, which relates to rural hospitals.
<b>29</b>	1704	395.605	Authorizes patients to be under the care of IAPRNs in emergency care hospitals and makes conforming changes.
<b>30</b>	1717	397.311	Includes an IAPRN, who specialize in psychiatry, within the definition of "qualified professional" authorizing an IAPRN to provide services relating to substance abuse.
<b>31</b>	1738	397.405	Clarifies ch. 397 relating to substance abuse services must not be construed to limit IAPRNs' ability to provide substance abuse treatment, except under certain circumstances, and makes conforming changes.
<b>32</b>	1765	397.427	Conforms the change in title for ARNPs to APRNs and makes technical changes. This section relates to medication-assisted treatment service providers.
<b>33</b>	1812	397.501	Conforms to the change in the bill authorizing APRNs (under protocol) and IAPRNs to prescribe controlled substances by prohibiting a substance abuse provider from discriminating against a patient who has been prescribed medication by an APRN or IAPRN.
<b>34</b>	1832	400.021	Includes IAPRNs in the definition of "geriatric outpatient clinics" as a type of practitioner who may staff such clinics. APRNs currently are defined within the term.
<b>35</b>	1843	400.0255	Authorizes IAPRNs or APRNs to be the practitioner required to sign a notice or order of discharge from a nursing home. Currently, nurse practitioners may sign the notice or order.
<b>36</b>	1861	400.172	Authorizes an IAPRN to order respite care for a resident, provide the facility medical information about the resident, and perform an examination of the resident. Allows an APRN to provide medical information and perform a medical exam of the resident for respite care, which currently a nurse practitioner may perform under the law.
<b>37</b>	1878	400.462	Creates definition of "independent advanced practice registered nurse" under the Home Health Services Act.
<b>38</b>	1894	400.487	Authorizes an IAPRN to establish, sign, and review treatment orders for a patient to receive skilled care by a home health agency, which is currently authorized by APRNs. Makes conforming changes.

<b>Section #</b>	<b>Line #</b>	<b>Law</b>	<b>Analysis</b>
39	1920	400.506	Authorizes IAPRNs to sign medical plans of treatment and revisions of those medical plans of treatment for patients receiving care in the home, which may currently be done by APRNs. Makes conforming changes.
40	1949	400.9905	Provides that a sole proprietorship, group practice, partnership or corporation providing health care services by IAPRNs and wholly owned by IAPRNs or specified practitioners do not fall within the definition of "clinic" for the purposes of regulation over health care clinics.
41	1983	401.445	Provides immunity from liability for IAPRNs when treating a patient without informed consent under emergency conditions and requires consent when possible when an IAPRN treats a person who is intoxicated or under the influence of drugs. Both the immunity provision and consent requirement apply currently to APRNs. Makes conforming changes.
42	2022	409.905	Requires AHCA to pay for IAPRN services under the Medicaid program as is done currently for APRNs. Makes conforming changes.
43	2063	409.908	Authorizes Medicaid services provided by IAPRNs to be reimbursed on a fee-for-service basis, as is currently done for APRNs, and makes conforming changes.
44	2113	409.9081	Requires AHCA to require copayments for certain services performed by IAPRNs and APRNs, which is currently required for nurse practitioner services.
45	2128	409.973	Requires managed care plans under the Medicaid program to cover IAPRN services, as is currently required for APRN services.
46	2136	429.26	Prohibits IAPRNs or APRNs from providing the initial examination for admitting a resident to an assisted living facility if either has a financial interest in the facility. Includes IAPRNs and APRNs in list of practitioners who may conduct the examination required for a resident to be admitted into an assisted living facility.
47	2175	429.918	Includes IAPRNs in a list of practitioners who must have diagnosed a person to have Alzheimer's disease or dementia for a person to be defined as an "ADRD participant." APRNs are currently within that definition. Specifies that medical documentation required to be provided by an ADRD participant or caregiver when admitted to an adult day care may be signed by an IAPRN, as is currently authorized for APRNs. Makes conforming changes.
48	2209	440.102	Authorizes IAPRNs and APRNs to collect a specimen for a drug test under the Drug-free Workplace Program, which is currently allowed for nurse practitioners.
49	2228	456.0391	Conforms the title ARNP to APRN throughout the section, which relates to information that must be provided to the Department of Health for initial certification and renewal.
50	2260	456.0392	Makes conforming changes related to APRN prescribing authority and provides a presumption that a prescription written by an APRN as delegated by a physician is valid.
51	2270	456.041	Conforms title references to ARNPs to APRNs, regarding providing

<b>Section #</b>	<b>Line #</b>	<b>Law</b>	<b>Analysis</b>
			information to the Department of Health in order to create practitioner profiles.
<b>52</b>	2291	456.048	Requires IAPRNs to have medical malpractice insurance or demonstrate financial responsibility and provides exemptions to such requirement, as is currently required for APRNs.
<b>53</b>	2339	456.053	Redefines "Board" to include the Board of Nursing, redefines "health care provider" to include IAPRNs, redefines "sole provider" to include IAPRNs, and redefines "referral" to clarify that certain referrals from IAPRNs are not within the definition of "referral" as is currently the situation for physicians. Authorizes the board to discipline an IAPRN for making prohibited referral or claim for payment.
<b>54</b>	2445	456.072	Requires disciplinary action and penalties for IAPRNs and APRNs who prescribe or dispense a controlled substance outside their scope of practice or in an excessive amount.
<b>55</b>	2459	456.44	Requires registration and certain requirements to be met by IAPRNs and APRNs who prescribe controlled substances for the treatment of chronic nonmalignant pain and makes conforming changes.
<b>56</b>	2596	458.3265	Authorizes IAPRNs to perform the medical examinations required to be performed on a patient being treated in a pain-management clinic (registered by a medical doctor), as is currently authorized for APRNs. Makes a conforming change.
<b>57</b>	2612	458.331	Conforms title of ARNP to APRN in section relating to grounds for disciplinary action for medical doctors failing to supervise APRNs.
<b>58</b>	2623	458.348	Conforms title of ARNP to APRN regarding the supervision of APRNs by medical doctors through protocols and in medical office settings. Deletes obsolete language.
<b>59</b>	2734	459.0137	Authorizes IAPRNs to perform the medical examinations required to be performed on a patient being treated in a pain-management clinic (registered by an osteopathic physician), as is currently authorized for APRNs. Makes a conforming change.
<b>60</b>	2751	459.015	Conforms title of ARNP to APRN in section relating to grounds for disciplinary action for osteopathic physicians failing to supervise APRNs.
<b>61</b>	2762	459.025	Conforms title of ARNP to APRN regarding the supervision of APRNs by osteopathic physicians through protocols and in medical office settings. Deletes obsolete language.
<b>62</b>	2859	464.004	Conforms title of ARNP to APRN as it relates to the membership of the Board of Nursing.
<b>63</b>	2879	464.0205	Authorizes a retired volunteer nurse to work under the direct supervision of an IAPRN, as is authorized currently for APRNs and makes a conforming change.
<b>64</b>	2892	467.003	Conforms the title of ARNP to APRN within the definition of "certified nurse midwife."
<b>65</b>	2900	480.0475	Authorizes the operation of massage establishments during a certain time of day if a massage is performed pursuant to a prescription by an IAPRN,



Section #	Line #	Law	Analysis
			as is currently authorized when an APRN prescribes a massage. Makes a conforming change.
66	2916	483.041	Includes IAPRNs in the definition of "licensed practitioner" as that definition pertains to regulation of clinical laboratories.
67	2930	483.181	Requires a clinical laboratory to accept a human specimen for examination if submitted by an IAPRN, as is currently required when specimens are submitted by APRNs.
68	2945	483.801	Conforms the title ARNP to APRN in a provision providing an exception to clinical laboratory regulations for procedures performed in an exclusive-use laboratory.
69	2954	486.021	Authorizes a physical therapist to implement a plan of treatment provided by an IAPRN, as is currently authorized for APRNs. Makes a conforming change.
70	2991	490.012	Authorizes an IAPRN to use the word or variant of the word "psychotherapy" if the IAPRN is a specialist in psychiatric mental health as determined by the Board of Nursing, as is authorized currently for APRNs. Makes a conforming change.
71	3004	491.0057	Authorizes an IAPRN to be licensed as a marriage and family therapist if the Board of Nursing determines the IAPRN is a specialist in psychiatric mental health, as is currently authorized for APRNs. Makes a conforming change.
72	3017	491.012	Provides exceptions to prohibitions against using certain terms or making certain descriptions of services for IAPRNs if the Board of Nursing has determined the IAPRN is a specialist in psychiatric mental health. The exceptions currently are provided for qualified APRNs. Makes conforming changes.
73	3053	493.6108	Authorizes an IAPRN to certify to the physical fitness of a Class "G" applicant to bear a weapon or firearm, which is currently authorized for APRNs. Makes conforming changes.
74	3069	626.9707	Prohibits discrimination of coverage of disability insurance for services provided by IAPRNs to treat a person with the sickle-cell trait.
75	3086	627.357	Includes IAPRNs in the definition of "health care provider" for the purpose of allowing self-insurance for medical malpractice, which is currently authorized for APRNs. Makes conforming changes.
76	3114	627.736	Requiring personal injury protection insurance to provide reimbursement for IAPRN services, to the same extent services are currently reimbursed for physicians.
77	3242	627.6471	Requires an insurer with a policy covering psychotherapeutic services to provide eligibility criteria for IAPRNs who specialize in psychiatric mental health, as is currently required for APRNs specializing in psychiatric mental health. Makes a conforming change.
78	3262	627.6472	Requires an insurer with a policy covering psychotherapeutic services to provide eligibility criteria for IAPRNs who specialize in psychiatric mental health, as is currently required for APRNs specializing in psychiatric mental

<b>Section #</b>	<b>Line #</b>	<b>Law</b>	<b>Analysis</b>
			health. Prohibits an exclusive provider organization from discriminating, with respect to participation, against an IAPRN and is currently prohibited for APRNS. Makes conforming changes.
<b>79</b>	3294	633.412	Authorizes applicant for firefighter certification to be medically examined by an IAPRN. Currently APRNs may perform the examination. Makes conforming changes.
<b>80</b>	3313	641.3923	Prohibits discrimination by a health maintenance organization against an IAPRN, as it relates to participation in a health plan, which protection is currently provided for APRNs. Makes conforming changes.
<b>81</b>	3328	641.495	Requires health maintenance organizations or prepaid health clinics to provide in certain documents that certain medical procedures may be provided by IAPRNs and APRNs. They are currently required to do so for nurse practitioners.
<b>82</b>	3339	744.331	Authorizes a court to appoint an APRN, instead of a nurse practitioner, to an examining committee for the purpose of making a determination of incapacity.
<b>83</b>	3376	744.703	Authorizes a public guardian to contract with an IAPRN or APRN to carry out guardianship functions. Currently the contract may be with a nurse practitioner. Makes a conforming change.
<b>84</b>	3402	766.102	Provides that only a physician who knows the applicable standard of care for IAPRNs may give expert testimony in a medical negligence action with respect to the standard of care used by IAPRNs.
<b>85</b>	3417	766.103	Provides circumstances under which an IAPRN is immune from liability under the Florida Medical Consent Law, which also currently applies to APRNs. Makes conforming changes.
<b>86</b>	3462	766.1115	Includes within the definition of "health care provider" an IAPRN or employer of an IAPRN, which provides sovereign immunity to such providers under the "Access to Health Care Act" if they provide uncompensated services to underserved populations.
<b>87</b>	3513	766.1116	Includes an IAPRN who is an uncompensated provider under the "Access to Health Care Act" in the definition of "health care practitioner" allowing for a waiver of certain license renewal fees and continuing education requirements. APRNs are currently included in the definition. Makes conforming changes.
<b>88</b>	3529	766.118	Includes an IAPRN in the definition of "practitioner" as the term is used when determining noneconomic damages in medical negligence cases. Currently, APRNs are included within the definition.
<b>89</b>	3546	768.135	Provides immunity from civil damages to an IAPRN who volunteers to conduct a medical evaluation for a student athlete, which is required by the Florida High School Athletic Association for students to competing in athletics. This immunity currently exists for APRNs.
<b>90</b>	3556	782.071	Authorizes IAPRNs and APRNs to supervise a person serving community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents.

<b>Section #</b>	<b>Line #</b>	<b>Law</b>	<b>Analysis</b>
<b>91</b>	3572	794.08	Provides an exception to penalties related to female genital mutilation for IAPRNs performing procedures necessary to preserve the physical health of a female, which exception currently applies for APRNs. Makes conforming changes.
<b>92</b>	3588	893.02	Includes IAPRN and APRN within the definition of "practitioner" to subject them to the requirements of the "Florida Comprehensive Drug Abuse Prevention and Control Act," including dispensing and prescribing limitations for controlled substances.
<b>93</b>	3604	943.13	Authorizes law enforcement officers or correctional officers to obtain physical examinations from IAPRNs, as is required for employment or appointment. APRNs may currently perform these physical examinations. Makes a conforming change.
<b>94</b>	3633	945.603	Authorizing the Correctional Medical Authority to make recommendations to the Department of Corrections regarding the use of APRNs as physician extenders, which it is currently authorized to do for nurse practitioners and physician assistants.
<b>95</b>	3657	1002.20	Makes school district and its employees or agents immune from liability for injuries arising from the use of school epinephrine auto-injectors regardless of whether an IAPRN authorized its use. The same immunity exists currently when an APRN authorizes such use. Makes conforming changes.
<b>96</b>	3713	1002.42	Makes a private school and its employees or agents immune from liability for injuries arising from the use of school epinephrine auto-injectors regardless of whether an IAPRN authorized its use. The same immunity exists currently when an APRN authorizes such use. Makes conforming changes.
<b>97</b>	3735	1006.062	Authorizing nonmedical assistive personnel to perform health services if they complete child-specific training by an IAPRN and the IAPRN monitors such procedures periodically. Allows an IAPRN to determine what invasive medical services nonmedical assistive personnel may provide. Currently APRNs may train, monitor, and make such decisions for these personnel. Makes conforming changes.
<b>98</b>	3764	1006.20	Authorizes an IAPRN to conduct a medical evaluation for a student athlete, which is required by the Florida High School Athletic Association for students to compete in athletics.
<b>99</b>	3807	1009.65	Conforms title of ARNP to APRN in this section, which relates to the Medical Education Reimbursement and Loan Repayment Program.
<b>100</b>	3843	1009.66	Conforms title of ARNP to APRN in this section, which relates to the Nursing Student Loan Forgiveness Program.
<b>101</b>	3851	1009.67	Conforms title of ARNP to APRN in this section, which relates to the Nursing Scholarship Program.
<b>102</b>	3862	n/a	Provides an effective date of July 1, 2014

PCB SCHCWI 14-01

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1                                   A bill to be entitled  
 2           An act relating to advanced practice registered  
 3           nurses; amending s. 464.003, F.S.; redefining the term  
 4           "advanced or specialized nursing practice"; including  
 5           practices by independent advanced practice registered  
 6           nurses within the definition of the term "advanced or  
 7           specialized nursing practice"; requiring a joint  
 8           committee to consist of at least one independent  
 9           advanced practice registered nurse; requiring certain  
 10          medical acts to be supervised by a physician unless  
 11          such acts are performed by an independent advanced  
 12          practice registered nurse; defining the term  
 13          "independent advanced practice registered nurse";  
 14          making conforming changes; providing a citation;  
 15          amending s. 464.012, F.S.; revising the certification  
 16          requirements for advanced practice registered nurses;  
 17          authorizing advanced practice registered nurses to  
 18          administer, dispense, and prescribe medicinal drugs  
 19          pursuant to a protocol; making conforming changes;  
 20          creating s. 464.0125, F.S.; providing for the  
 21          registration of independent advanced practice  
 22          registered nurses who meet certain requirements;  
 23          specifying acts that independent advanced practice  
 24          registered nurses are authorized to perform without  
 25          physician supervision or protocol; providing for

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26 | biennial renewal of registration, including continuing  
 27 | education requirements; providing for application and  
 28 | biennial renewal fees; providing rulemaking authority;  
 29 | amending s. 464.015, F.S.; providing title protection  
 30 | for independent advanced practice registered nurses;  
 31 | creating s. 464.0155, F.S.; requiring independent  
 32 | advanced practice registered nurses to report adverse  
 33 | incidents to the Board of Nursing in a certain manner;  
 34 | providing for board review of the adverse incident;  
 35 | authorizing the board to take disciplinary action for  
 36 | adverse incidents; amending s. 464.016, F.S.;  
 37 | providing for penalties for illegally using certain  
 38 | titles; making a conforming change; amending s.  
 39 | 464.018, F.S.; adding certain acts to an existing list  
 40 | of acts for which nurses may be administratively  
 41 | disciplined; amending s. 39.303, F.S.; specifying a  
 42 | face-to-face medical evaluation by a child protection  
 43 | team is not necessary when a child is examined by an  
 44 | independent advanced practice registered nurse or an  
 45 | independent advanced practice registered nurse  
 46 | concludes further medical evaluation is unnecessary;  
 47 | making conforming changes; amending s. 39.304, F.S.;  
 48 | authorizing an independent advanced practice  
 49 | registered nurse to perform or order an examination  
 50 | and diagnose a child under certain circumstances

PCB SCHCWI 14-01

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

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

PCB SCHCWI 14-01

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101 | authorizing an independent advanced practice  
 102 | registered nurse to certify a person is disabled;  
 103 | making a conforming change; amending s. 381.00315,  
 104 | F.S.; authorizing the reactivation of an independent  
 105 | advanced practice registered nurse licensee in a  
 106 | public health emergency; making conforming changes;  
 107 | amending s. 381.00593, F.S.; redefining the term  
 108 | "health care practitioner" to include an independent  
 109 | advanced practice registered nurse; making a  
 110 | conforming change; amending s. 381.026, F.S.;  
 111 | redefining the term "health care provider" to include  
 112 | an independent advanced practice registered nurse;  
 113 | amending s. 383.141, F.S.; redefining the term "health  
 114 | care provider" to include an independent advanced  
 115 | practice registered nurse; making a conforming change;  
 116 | amending s. 390.0111, F.S.; including an independent  
 117 | advanced practice registered nurse in the list of  
 118 | health care practitioners that may review an  
 119 | ultrasound with a woman prior to an abortion  
 120 | procedure; making a conforming change; amending s.  
 121 | 390.012, F.S.; including an independent advanced  
 122 | practice registered nurse in the list of health care  
 123 | practitioners that may provide postoperative  
 124 | monitoring, must be available throughout an abortion  
 125 | procedure, must remain at the abortion clinic until



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126 all patients are discharged, and must attempt to  
 127 assess the patient's recovery within a specified time;  
 128 making conforming changes; amending s. 394.455, F.S.;  
 129 redefining the term "psychiatric nurse" to include an  
 130 independent advanced practice registered nurse  
 131 certified in a specified specialty; amending s.  
 132 394.463, F.S.; authorizing independent advanced  
 133 practice registered nurses and advanced practice  
 134 registered nurses to execute a certificate to require,  
 135 under the Baker Act, an involuntary examination of a  
 136 person; amending s. 395.0191, F.S.; providing for the  
 137 eligibility of clinical privileges for an independent  
 138 advanced practice registered nurse; providing an  
 139 exception to the requirement for onsite medical  
 140 direction for certain independent advanced practice  
 141 registered nurses; making conforming changes; amending  
 142 s. 395.602, F.S.; making conforming changes; amending  
 143 s. 395.605, F.S.; including independent advanced  
 144 practice registered nurses in a list of health care  
 145 practitioners that must supervise the care of a  
 146 patient or be on duty for a specified duration in an  
 147 emergency care setting; making conforming changes;  
 148 amending s. 397.311, F.S.; redefining the term  
 149 "qualified professional" to include an independent  
 150 advanced practice registered nurse; making conforming

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151 | changes; amending s. 397.405, F.S.; providing that an  
 152 | independent advanced practice registered nurse's  
 153 | practice may not be limited under certain  
 154 | circumstances; making conforming changes; amending s.  
 155 | 397.427, F.S.; making conforming changes; amending s.  
 156 | 397.501, F.S.; prohibiting the denial of certain  
 157 | services for an individual who takes medicine  
 158 | prescribed by an independent advanced practice  
 159 | registered nurse; amending s. 400.021, F.S.; revising  
 160 | the term "geriatric outpatient clinic" to include a  
 161 | site staffed by an independent advanced practice  
 162 | registered nurse; making a conforming change; amending  
 163 | s. 400.0255, F.S.; including independent advanced  
 164 | practice registered nurses in a list of health care  
 165 | practitioners who must sign a notice of discharge or  
 166 | transfer; making a conforming change; amending s.  
 167 | 400.172, F.S.; including independent advanced practice  
 168 | registered nurses and advanced practice registered  
 169 | nurses in a list of health care practitioners from  
 170 | whom a prospective respite care resident may obtain  
 171 | certain medical information; making conforming  
 172 | changes; amending s. 400.462, F.S.; adding a  
 173 | definition of the term "independent advanced practice  
 174 | registered nurse; making a conforming change; amending  
 175 | s. 400.487, F.S.; including in a list of health care

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176 practitioners who must establish treatment orders for  
 177 certain patients and under certain circumstances;  
 178 making conforming changes; amending s. 400.506, F.S.;  
 179 applying requirements applicable to medical plans of  
 180 treatment to independent advanced practice registered  
 181 nurses; making conforming changes; amending s.  
 182 400.9905, F.S.; adding advanced practice registered  
 183 nurses to a list of health care practitioners who are  
 184 not to be defined and required to be licensed as a  
 185 clinic; amending s. 401.445, F.S.; prohibiting  
 186 recovery of damages in court against an independent  
 187 advanced practice registered nurse under certain  
 188 circumstances; requiring an independent advanced  
 189 practice registered nurse to attempt to obtain consent  
 190 of a person prior to providing emergency services;  
 191 making conforming changes; amending s. 409.905, F.S.;  
 192 providing for the payment of independent advanced  
 193 practice registered nurses by the Agency for Health  
 194 Care Services for mandatory Medicaid services;  
 195 providing for the qualification of rural health  
 196 clinics to be paid by the agency amending s. 409.908,  
 197 F.S.; providing for the reimbursement of Medicaid  
 198 services provided by independent advanced practice  
 199 registered nurses; making a conforming change;  
 200 amending s. 409.9081, F.S.; requiring copayments under

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

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

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251 | the suspension and fining of an independent advanced  
 252 | practice registered nurse or advanced practice  
 253 | registered nurse for prescribing or dispensing a  
 254 | controlled substances in a certain manner; amending s.  
 255 | 456.44, F.S.; providing certain requirements for  
 256 | independent advanced practice registered nurses and  
 257 | advanced practice registered nurses who prescribe  
 258 | controlled substances for the treatment of chronic  
 259 | nonmalignant pain; amending s. 458.3265, F.S.;  
 260 | requiring an independent advanced practice registered  
 261 | nurse to perform a physical examination of a patient  
 262 | at a pain management clinic under certain  
 263 | circumstances; making a conforming change; amending s.  
 264 | 458.331, F.S.; making a conforming change; amending s.  
 265 | 458.348, F.S.; making conforming changes; deleting  
 266 | obsolete provisions; amending s. 459.0137, F.S.;  
 267 | requiring an independent advanced practice registered  
 268 | nurse to perform a physical examination of a patient  
 269 | at a pain management clinic under certain  
 270 | circumstances; making a conforming change; amending s.  
 271 | 459.015, F.S.; making a conforming change; amending s.  
 272 | 459.025, F.S.; making conforming changes; deleting  
 273 | obsolete provisions; amending s. 464.004, F.S.; making  
 274 | a conforming change; amending s. 464.0205, F.S.;  
 275 | authorizing a retired volunteer nurse to work under

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276 the direct supervision of an independent advanced  
 277 practice registered nurse; making a conforming change;  
 278 amending s. 467.003, F.S.; making conforming changes;  
 279 amending s. 480.0475; authorizing the operation of a  
 280 massage establishment during certain times if a  
 281 massage performed during those times is prescribed by  
 282 an independent advanced practice registered nurse;  
 283 making a conforming change; amending s. 483.041, F.S.;  
 284 including an independent advanced practice registered  
 285 nurse within the definition of the term "licensed  
 286 practitioner"; making a conforming change; amending s.  
 287 483.181, F.S.; making a cross-reference to require  
 288 clinical laboratories to accept a human specimen  
 289 submitted by an independent advanced practice  
 290 registered nurse; amending s. 483.801, F.S.; making a  
 291 conforming change; amending s. 486.021, F.S.;  
 292 authorizing a physical therapist to implement a plan  
 293 of treatment provided by an independent advanced  
 294 practice registered nurse; making a conforming change;  
 295 amending s. 490.012, F.S.; allowing certain qualified  
 296 independent advanced practice registered nurses to use  
 297 the word, or a form of the word, "psychotherapy";  
 298 making a conforming change; amending s. 491.0057,  
 299 F.S.; authorizing certain qualified independent  
 300 advanced practice registered nurses to be licensed as

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301 marriage and family therapists; making a conforming  
 302 change; amending s. 491.012, F.S.; authorizing certain  
 303 qualified independent advanced practice registered  
 304 nurses to use the terms psychotherapist, sex  
 305 therapist, or juvenile sexual offender therapist, and  
 306 other specified terms; making a conforming change;  
 307 amending s. 493.6108, F.S.; authorizing an independent  
 308 advanced practice registered nurse to certify the  
 309 physical fitness of a certain applicant to bear a  
 310 weapon or firearm; making a conforming change;  
 311 amending s. 626.9707, F.S.; prohibiting discrimination  
 312 by insurer of person with sickle-cell trait for  
 313 services authorized to be provided by an independent  
 314 advanced practice registered nurse; making a  
 315 conforming change; amending s. 627.357, F.S.;  
 316 including independent advanced practice registered  
 317 nurses within the definition of "health care  
 318 provider"; making conforming changes; amending s.  
 319 627.736, F.S.; requiring personal injury protection  
 320 insurance to cover a certain amount of medical  
 321 services provided by an independent advanced practice  
 322 registered nurse, by practitioners supervised by an  
 323 independent advanced practice registered nurse, or by  
 324 an entity wholly owned by one or more independent  
 325 advanced practice registered nurses; providing for



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326 reimbursement amounts for independent advanced  
 327 practice registered nurses; making conforming changes;  
 328 amending s. 627.6471, F.S.; requiring insurers under  
 329 certain circumstances to provide eligibility criteria  
 330 for qualified independent advanced practice registered  
 331 nurses; making a conforming change; amending s.  
 332 627.6472, F.S.; requiring insurers under certain  
 333 circumstances to provide eligibility criteria for  
 334 qualified independent advanced practice registered  
 335 nurses; making a conforming change; prohibiting an  
 336 exclusive provider organization from discriminating  
 337 against participation by a qualified independent  
 338 advanced practice registered nurse; making a  
 339 conforming change; amending s. 633.412, F.S.; allowing  
 340 an applicant for certification as a firefighter to  
 341 obtain a medical examination by an independent  
 342 advanced practice registered nurse; making a  
 343 conforming change; clarifying a cross-reference;  
 344 amending s. 641.3923, F.S.; prohibiting a health  
 345 maintenance organization from discriminating against  
 346 the participation of an independent advanced practice  
 347 registered nurse; making conforming changes; amending  
 348 s. 641.495, F.S.; requiring a health maintenance  
 349 organization to disclose in certain documents that  
 350 certain services may be provided by independent

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351 advanced practice registered nurses and advanced  
 352 practice registered nurse; amending s. 744.331, F.S.;  
 353 making a conforming change; amending s. 744.703, F.S.;  
 354 adding independent advanced practice registered nurses  
 355 and advanced practice registered nurses to a list of  
 356 authorized professionals with whom a public guardian  
 357 may contract with to carry out guardianship functions;  
 358 amending s. 766.102, F.S.; providing requirements for  
 359 qualification as an expert witness in a medical  
 360 negligence case concerning the standard of care for an  
 361 independent advanced practice registered nurse; making  
 362 a conforming change; amending s. 766.103, F.S.;  
 363 prohibiting recovery of damages against an independent  
 364 advanced practice registered nurse under certain  
 365 conditions; amending s. 766.1115, F.S.; including an  
 366 independent advanced practice registered nurse within  
 367 the definition of the term "health care provider";  
 368 making conforming changes; amending s. 766.1116, F.S.;  
 369 including an independent advanced practice registered  
 370 nurse within the definition of the term "health care  
 371 practitioner"; making conforming changes; amending s.  
 372 766.118, F.S.; including an independent advanced  
 373 practice registered nurse within the definition of the  
 374 term "practitioner"; amending s. 768.135, F.S.; making  
 375 an independent advanced practice registered nurse

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376 immune from civil damages for providing volunteer  
 377 services under certain circumstances; amending s.  
 378 782.071, F.S.; allowing a person serving community  
 379 service in a trauma center or hospital to be under the  
 380 supervision of an independent advanced practice  
 381 registered nurse or an advanced practice registered  
 382 nurse; amending s. 794.08, F.S.; providing an  
 383 exception for procedures performed by or under the  
 384 direction of an independent advanced practice  
 385 registered nurse; amending s. 893.02, F.S.; including  
 386 an independent advanced practice registered nurse and  
 387 an advanced practice registered nurse within the  
 388 definition of the term "practitioner"; amending s.  
 389 943.13, F.S.; authorizing a law enforcement officer or  
 390 correctional officer to satisfy qualifications for  
 391 employment or appointment by passing a physical  
 392 examination conducted by an independent advanced  
 393 practice registered nurse; making a conforming change;  
 394 amending s. 945.603, F.S.; authorizing the  
 395 Correctional Medical Authority to review and make  
 396 recommendations as to the use of advanced practice  
 397 registered nurses to act as physician extenders;  
 398 making a technical correction; amending s. 1002.20,  
 399 F.S.; preventing school districts and its employees  
 400 and agents from being held liable for the use of

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401 | epinephrine auto-injectors under certain circumstances  
 402 | regardless if authorized by an independent advanced  
 403 | practice registered nurse; making conforming changes;  
 404 | amending s. 1002.42, F.S.; preventing a private school  
 405 | and its employees and agents from being held liable  
 406 | for the use of epinephrine auto-injectors under  
 407 | certain circumstances regardless if authorized by an  
 408 | independent advanced practice registered nurse;  
 409 | amending s. 1006.062, F.S.; authorizing nonmedical  
 410 | assistive personnel to perform health services if  
 411 | trained by an independent advanced practice registered  
 412 | nurse; requiring monitoring of such personnel by an  
 413 | independent advanced practice registered nurse;  
 414 | including independent advanced practice registered  
 415 | nurses in a list of practitioners who must determine  
 416 | whether such personnel may perform certain invasive  
 417 | medical services; making a conforming change; amending  
 418 | s. 1006.20, F.S.; authorizing students athletes to  
 419 | satisfy a medical evaluation requirement by having an  
 420 | independent advanced practice registered nurse  
 421 | perform the evaluation; amending s. 1009.65, F.S.;  
 422 | making conforming changes; amending s. 1009.66, F.S.;  
 423 | making a conforming change; amending s. 1009.67, F.S.;  
 424 | making a conforming change; providing an effective  
 425 | date.

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

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

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

(2) "Advanced or specialized nursing practice" or "to practice advanced or specialized nursing" means, in addition to the practice of professional nursing, the performance of advanced-level nursing acts approved by the board which, by virtue of postbasic specialized education, training, and experience, are appropriately performed by an independent advanced practice registered nurse or an advanced practice registered nurse practitioner. Within the context of advanced or specialized nursing practice, the independent advanced practice registered nurse and advanced practice registered nurse practitioner may perform acts of nursing diagnosis and nursing treatment of alterations of the health status. The independent advanced practice registered nurse and advanced practice registered nurse practitioner may also perform acts of medical diagnosis and treatment, prescription, and operation which are

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451 identified and approved by a joint committee composed of three  
 452 members appointed by the Board of Nursing, one of whom must be  
 453 an independent advanced practice registered nurse and one~~two~~ of  
 454 whom must be an advanced practice registered nurse ~~nurse~~  
 455 ~~practitioners~~; three members appointed by the Board of Medicine,  
 456 two of whom must have had work experience with advanced practice  
 457 registered nurses ~~nurse practitioners~~; and the State Surgeon  
 458 General or the State Surgeon General's designee. Each committee  
 459 member appointed by a board shall be appointed to a term of 4  
 460 years unless a shorter term is required to establish or maintain  
 461 staggered terms. The Board of Nursing shall adopt rules  
 462 authorizing the performance of any such acts approved by the  
 463 joint committee. Unless otherwise specified by the joint  
 464 committee and unless such acts are performed by independent  
 465 advanced practice registered nurses, such acts must be performed  
 466 under the general supervision of a practitioner licensed under  
 467 chapter 458, chapter 459, or chapter 466 within the framework of  
 468 standing protocols which identify the medical acts to be  
 469 performed and the conditions for their performance. The  
 470 department may, by rule, require that a copy of the protocol be  
 471 filed with the department along with the notice required by s.  
 472 458.348 or s. 459.025.

473 (3) "Advanced practice registered nurse ~~practitioner~~"  
 474 means any person licensed in this state to practice professional  
 475 nursing and certified in advanced or specialized nursing

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476 practice, including certified registered nurse anesthetists,  
 477 certified nurse midwives, and certified nurse practitioners.

478 (16) "Independent advanced practice registered nurse"  
 479 means an advanced practice registered nurse who maintains an  
 480 active and valid certification under s. 464.012(2) and  
 481 registration under s. 464.0125 to practice advanced or  
 482 specialized nursing independently and without the supervision of  
 483 a physician or protocol.

484 (21) ~~(20)~~ "Practice of professional nursing" means the  
 485 performance of those acts requiring substantial specialized  
 486 knowledge, judgment, and nursing skill based upon applied  
 487 principles of psychological, biological, physical, and social  
 488 sciences which shall include, but not be limited to:

489 (a) The observation, assessment, nursing diagnosis,  
 490 planning, intervention, and evaluation of care; health teaching  
 491 and counseling of the ill, injured, or infirm; and the promotion  
 492 of wellness, maintenance of health, and prevention of illness of  
 493 others.

494 (b) The administration and prescribing of medications and  
 495 treatments as ~~prescribed or authorized by a duly licensed~~  
 496 ~~practitioner authorized by the laws of this state to prescribe~~  
 497 ~~such medications and treatments.~~

498 (c) The supervision and teaching of other personnel in the  
 499 theory and performance of any of the acts described in this  
 500 subsection.

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501  
 502 A professional nurse is responsible and accountable for making  
 503 decisions that are based upon the individual's educational  
 504 preparation and experience in nursing.

505 Section 2. Section 464.012, Florida Statutes, is amended  
 506 to read:

507 464.012 Certification of advanced practice registered  
 508 nurses ~~nurse practitioners~~; fees.—

509 (1) Any nurse desiring to be certified as an advanced  
 510 practice registered nurse ~~practitioner~~ shall apply to the board  
 511 ~~department~~ and submit proof that he or she holds a current  
 512 license to practice professional nursing and that he or she  
 513 meets ~~one or more of the following requirements as determined by~~  
 514 ~~the board~~:

515 (a) ~~Satisfactory completion of a formal postbasic~~  
 516 ~~educational program of at least one academic year, the primary~~  
 517 ~~purpose of which is to prepare nurses for advanced or~~  
 518 ~~specialized practice.~~

519 ~~(b)~~ Certification by an appropriate specialty board. Such  
 520 certification shall be required for initial state certification  
 521 and any recertification as a nurse practitioner, registered  
 522 nurse anesthetist, or nurse midwife. The board may by rule  
 523 provide for provisional state certification of graduate nurse  
 524 practitioners, nurse anesthetists, and nurse midwives for a  
 525 period of time determined to be appropriate for preparing for



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526 and passing the national certification examination.

527 ~~(b)(e)~~ Graduation from a ~~program leading to a~~ master's  
 528 degree program in a nursing clinical specialty area with  
 529 preparation in specialized practitioner skills. ~~For applicants~~  
 530 ~~graduating on or after October 1, 1998, graduation from a~~  
 531 ~~master's degree program shall be required for initial~~  
 532 ~~certification as a nurse practitioner under paragraph (4)(e).~~  
 533 ~~For applicants graduating on or after October 1, 2001,~~  
 534 ~~graduation from a master's degree program shall be required for~~  
 535 ~~initial certification as a registered nurse anesthetist under~~  
 536 ~~paragraph (4)(a).~~

537 (2) The board shall provide by rule the appropriate  
 538 requirements for advanced practice registered nurses ~~nurse~~  
 539 ~~practitioners~~ in the categories of certified registered nurse  
 540 anesthetist, certified nurse midwife, and certified nurse  
 541 practitioner.

542 (3) An advanced practice registered nurse ~~practitioner~~  
 543 shall perform those functions authorized in this section within  
 544 the framework of an established protocol that is filed with the  
 545 board upon biennial license renewal and within 30 days after  
 546 entering into a supervisory relationship with a physician or  
 547 changes to the protocol. The board shall review the protocol to  
 548 ensure compliance with applicable regulatory standards for  
 549 protocols. The board shall refer to the department licensees  
 550 submitting protocols that are not compliant with the regulatory

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551 standards for protocols. A practitioner currently licensed under  
 552 chapter 458, chapter 459, or chapter 466 shall maintain  
 553 supervision for directing the specific course of medical  
 554 treatment. Within the established framework, an advanced  
 555 practice registered nurse ~~practitioner~~ may:

- 556 (a) Monitor and alter drug therapies.
- 557 (b) Initiate appropriate therapies for certain conditions.
- 558 (c) Perform additional functions as may be determined by  
 559 rule in accordance with s. 464.003(2).
- 560 (d) Order diagnostic tests and physical and occupational  
 561 therapy.
- 562 (e) Administer, dispense, and prescribe medicinal drugs,  
 563 including controlled substances.

564 (4) In addition to the general functions specified in  
 565 subsection (3), an advanced practice registered nurse  
 566 ~~practitioner~~ may perform the following acts within his or her  
 567 specialty:

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

- 572 1. Determine the health status of the patient as it  
 573 relates to the risk factors and to the anesthetic management of  
 574 the patient through the performance of the general functions.
- 575 2. Based on history, physical assessment, and supplemental

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576 laboratory results, determine, with the consent of the  
 577 responsible physician, the appropriate type of anesthesia within  
 578 the framework of the protocol.

579 3. Order under the protocol preanesthetic medication.

580 4. Perform under the protocol procedures commonly used to  
 581 render the patient insensible to pain during the performance of  
 582 surgical, obstetrical, therapeutic, or diagnostic clinical  
 583 procedures. These procedures include ordering and administering  
 584 regional, spinal, and general anesthesia; inhalation agents and  
 585 techniques; intravenous agents and techniques; and techniques of  
 586 hypnosis.

587 5. Order or perform monitoring procedures indicated as  
 588 pertinent to the anesthetic health care management of the  
 589 patient.

590 6. Support life functions during anesthesia health care,  
 591 including induction and intubation procedures, the use of  
 592 appropriate mechanical supportive devices, and the management of  
 593 fluid, electrolyte, and blood component balances.

594 7. Recognize and take appropriate corrective action for  
 595 abnormal patient responses to anesthesia, adjunctive medication,  
 596 or other forms of therapy.

597 8. Recognize and treat a cardiac arrhythmia while the  
 598 patient is under anesthetic care.

599 9. Participate in management of the patient while in the  
 600 postanesthesia recovery area, including ordering the

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601 administration of fluids and drugs.

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

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

610 1. Perform superficial minor surgical procedures.

611 2. Manage the patient during labor and delivery to include  
612 amniotomy, episiotomy, and repair.

613 3. Order, initiate, and perform appropriate anesthetic  
614 procedures.

615 4. Perform postpartum examination.

616 5. Order appropriate medications.

617 6. Provide family-planning services and well-woman care.

618 7. Manage the medical care of the normal obstetrical  
619 patient and the initial care of a newborn patient.

620 (c) The certified nurse practitioner may perform any or  
621 all of the following acts within the framework of established  
622 protocol:

623 1. Manage selected medical problems.

624 2. Order physical and occupational therapy.

625 3. Initiate, monitor, or alter therapies for certain

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626 uncomplicated acute illnesses.

627 4. Monitor and manage patients with stable chronic  
628 diseases.

629 5. Establish behavioral problems and diagnosis and make  
630 treatment recommendations.

631 (5) The board shall certify, and the department shall  
632 issue a certificate to, any nurse meeting the qualifications in  
633 this section. The board shall establish an application fee not  
634 to exceed \$100 and a biennial renewal fee not to exceed \$50. The  
635 board is authorized to adopt such other rules as are necessary  
636 to implement the provisions of this section.

637 Section 3. Section 464.0125, Florida Statutes, is created  
638 to read:

639 464.0125 Registration of independent advanced practice  
640 registered nurses; fees.—

641 (1) To be registered as an independent advanced practice  
642 registered nurse, an applicant must submit proof to the board  
643 that the applicant has:

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

645 (b) Actively practiced full-time in any U.S. jurisdiction  
646 as an advanced practice registered nurse for at least three  
647 years immediately preceding the application;

648 (c) Not been subject to any disciplinary action under s.  
649 464.018 or s. 456.072, or any similar disciplinary action in any  
650 other jurisdiction, during the 5 years immediately preceding the

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651 application; and  
 652 (d) Completed a graduate level course in pharmacology.  
 653 (2) The board may provide by rule additional requirements  
 654 appropriate for each applicant practicing in a specialty under  
 655 s. 464.012(5).  
 656 (3) An independent advanced practice registered nurse may,  
 657 without physician supervision or protocol, perform the acts  
 658 authorized in s. 464.012(3) and any of the following:  
 659 (a) For a patient who requires the services of a health  
 660 care facility, as defined in s. 408.032(8):  
 661 1. Admit the patient to the facility.  
 662 2. Manage the care the patient receives in the facility.  
 663 3. Discharge the patient from the facility.  
 664 (b) Perform acts within his or her specialty as described  
 665 in s. 464.012(4).  
 666 (c) Provide a signature, certification, stamp,  
 667 verification, affidavit, or other endorsement that is otherwise  
 668 required by law to be provided by a physician.  
 669 (4) An advanced practice registered nurse registered under  
 670 this section must submit to the department proof of registration  
 671 along with the certification information required under s.  
 672 456.0391, and the department shall include the registration in  
 673 the practitioner profile created pursuant to s. 456.041.  
 674 (5) To be eligible for biennial renewal of registration,  
 675 an independent advanced practice registered nurse must complete

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676 at least 10 hours of continuing education in pharmacology in  
 677 addition to completing the continuing education requirements  
 678 provided for in board rule pursuant to s. 464.013. The biennial  
 679 renewal for registration shall coincide with the independent  
 680 advanced practice registered nurse's biennial renewal period for  
 681 his or her advanced practice registered nurse certification.  
 682 If, consequently, the initial renewal period occurs prior to  
 683 January 1, 2015, the independent advanced practice registered  
 684 nurse is not required to complete the continuing education  
 685 requirement under this subsection until the following biennial  
 686 renewal period.

687 (6) The board shall register any nurse meeting the  
 688 qualifications in this section. The board shall establish an  
 689 application fee not to exceed \$100 and a biennial renewal fee  
 690 not to exceed \$50. The board is authorized to adopt such other  
 691 rules as are necessary to implement the provisions of this  
 692 section.

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

695 464.015 Titles and abbreviations; restrictions; penalty.—

696 (8) Only persons certified under s. 464.012 ~~who hold valid~~  
 697 ~~certificates~~ to practice as advanced practice registered nurses  
 698 ~~nurse practitioners~~ in this state may use the title "Advanced  
 699 Practice Registered Nurse Practitioner" and the abbreviation  
 700 "A.P.R.N." Only persons registered under s. 464.0125 to practice

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701 as independent advanced practice registered nurses in this state  
 702 may use the title "Independent Advanced Practice Registered  
 703 Nurse" and the abbreviation "I.A.P.R.N." ~~"A.R.N.P."~~

704 (9) A person may not practice or advertise as, or assume  
 705 the title of, registered nurse, licensed practical nurse,  
 706 clinical nurse specialist, certified registered nurse  
 707 anesthetist, certified nurse midwife, certified nurse  
 708 practitioner, ~~or~~ advanced practice registered nurse, or  
 709 independent advanced practice registered nurse practitioner or  
 710 use the abbreviation "R.N.," "L.P.N.," "C.N.S.," "C.R.N.A.,"  
 711 "C.N.M.," "C.N.P.," "A.P.R.N.," or "I.A.P.R.N." ~~"A.R.N.P."~~ or  
 712 take any other action that would lead the public to believe that  
 713 person was certified or registered as such or is performing  
 714 nursing services pursuant to the exception set forth in s.  
 715 464.022(8), unless that person is licensed, ~~or certified,~~ or  
 716 registered to practice as such.

717 Section 5. Section 464.0155, Florida Statutes, is created  
 718 to read:

719 464.0155 Reports of adverse incidents by independent  
 720 advanced practice registered nurses.-

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

724 (2) The report must be in writing, sent to the board by  
 725 certified mail, and postmarked within 15 days after the adverse



726 incident if the adverse incident occurs when the patient is at  
 727 the office of the independent advanced practice registered  
 728 nurse. If the adverse incident occurs when the patient is not at  
 729 the office of the independent advanced practice registered  
 730 nurse, the report must be postmarked within 15 days after the  
 731 independent advanced practice registered nurse discovers, or  
 732 reasonably should have discovered, the occurrence of the adverse  
 733 incident.

734 (3) For the purpose of this section, the term "adverse  
 735 incident" means any of the following events when it is  
 736 reasonable to believe that the event is attributable to the  
 737 prescription of a controlled substance by the independent  
 738 advanced practice registered nurse:

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

741 (b) Any condition that requires the patient to obtain care  
 742 from a physician licensed under chapter 458 or chapter 459,  
 743 other than a referral or a consultation required under this  
 744 chapter.

745 (c) Permanent physical injury to the patient.

746 (d) Death of the patient.

747 (4) The board shall review each adverse incident and  
 748 determine whether the adverse incident is caused by the  
 749 independent advanced practice registered nurse. The board may  
 750 take disciplinary action upon such a finding, in which event s.

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751 456.073 applies.

752 Section 6. Paragraph (a) of subsection (2) of section  
753 464.016, Florida Statutes, is amended to read:

754 464.016 Violations and penalties.—

755 (2) Each of the following acts constitutes a misdemeanor  
756 of the first degree, punishable as provided in s. 775.082 or s.  
757 775.083:

758 (a) Using the name or title "Nurse," "Registered Nurse,"  
759 "Licensed Practical Nurse," "Clinical Nurse Specialist,"  
760 "Certified Registered Nurse Anesthetist," "Certified Nurse  
761 Midwife," "Certified Nurse Practitioner," "Advanced Practice  
762 Registered Nurse Practitioner," "Independent Advanced Practice  
763 Registered Nurse," or any other name or title which implies that  
764 a person was licensed or certified as same, unless such person  
765 is duly licensed or certified.

766 Section 7. Paragraphs (p), (q), (r), (s), (t), (u), (v),  
767 (w), (x), and (y) are added to subsection (1) of section  
768 464.018, Florida Statutes, to read:

769 464.018 Disciplinary actions.—

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

772 (p) Prescribing, dispensing, administering, mixing, or  
773 otherwise preparing a legend drug, including any controlled  
774 substance, other than in the course of the nurse's professional  
775 practice. For the purposes of this paragraph, it shall be

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776 legally presumed that prescribing, dispensing, administering,  
 777 mixing, or otherwise preparing legend drugs, including all  
 778 controlled substances, inappropriately or in excessive or  
 779 inappropriate quantities is not in the best interest of the  
 780 patient and is not in the course of the nurse's professional  
 781 practice, without regard to the nurse's intent.

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

784 (r) Presigning blank prescription forms.

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

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

791 1. The treatment of narcolepsy; hyperkinesis; behavioral  
 792 syndrome characterized by the developmentally inappropriate  
 793 symptoms of moderate to severe distractability, short attention  
 794 span, hyperactivity, emotional liability, and impulsivity; or  
 795 drug-induced brain dysfunction;

796 2. The differential diagnostic psychiatric evaluation of  
 797 depression or the treatment of depression shown to be refractory  
 798 to other therapeutic modalities; or

799 3. The clinical investigation of the effects of such drugs  
 800 or compounds when an investigative protocol therefor is

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801 submitted to, reviewed, and approved by the board before such  
 802 investigation is begun.

803 (u) Prescribing, ordering, dispensing, administering,  
 804 supplying, selling, or giving growth hormones, testosterone or  
 805 its analogs, human chorionic gonadotropin (HCG), or other  
 806 hormones for the purpose of muscle building or to enhance  
 807 athletic performance. For the purposes of this subsection, the  
 808 term "muscle building" does not include the treatment of injured  
 809 muscle. A prescription written for the drug products listed  
 810 above may be dispensed by the pharmacist with the presumption  
 811 that the prescription is for legitimate medical use.

812 (v) Prescribing, ordering, dispensing, administering,  
 813 supplying, selling, or giving amygdalin (laetrile) to any  
 814 person.

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

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

821 (y) Prescribing or dispensing any medicinal drug appearing  
 822 on any schedule set forth in chapter 893 by the nurse for  
 823 himself or herself or administering any such drug by the nurse  
 824 to himself or herself unless such drug is prescribed for the  
 825 nurse by another practitioner authorized to prescribe medicinal

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826 drugs.  
 827 (z) For an independent advanced practice registered nurse  
 828 registered under s. 464.0125:  
 829 1. Paying or receiving any commission, bonus, kickback, or  
 830 rebate, or engaging in any split-fee arrangement in any form  
 831 whatsoever with a health care practitioner, organization,  
 832 agency, or person, either directly or indirectly, for patients  
 833 referred to providers of health care goods and services,  
 834 including, but not limited to, hospitals, nursing homes,  
 835 clinical laboratories, ambulatory surgical centers, or  
 836 pharmacies. The provisions of this paragraph shall not be  
 837 construed to prevent an independent advanced practice registered  
 838 nurse from receiving a fee for professional consultation  
 839 services.  
 840 2. Exercising influence within a patient-independent  
 841 advanced practice registered nurse relationship for purposes of  
 842 engaging a patient in sexual activity. A patient shall be  
 843 presumed to be incapable of giving free, full, and informed  
 844 consent to sexual activity with his or her independent advanced  
 845 practice registered nurse.  
 846 3. Making deceptive, untrue, or fraudulent representations  
 847 in or related to the practice of advanced or specialized nursing  
 848 or employing a trick or scheme in the practice of advanced or  
 849 specialized nursing.  
 850 4. Soliciting patients, either personally or through an

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851 agent, through the use of fraud, intimidation, undue influence,  
 852 or a form of overreaching or vexatious conduct. A solicitation  
 853 is any communication which directly or implicitly requests an  
 854 immediate oral response from the recipient.

855 5. Failing to keep legible, as defined by department rule  
 856 in consultation with the board, medical records that identify  
 857 the independent advanced practice registered nurse by name and  
 858 professional title who is responsible for rendering, ordering,  
 859 supervising, or billing for each diagnostic or treatment  
 860 procedure and that justify the course of treatment of the  
 861 patient, including, but not limited to, patient histories;  
 862 examination results; test results; records of drugs prescribed,  
 863 dispensed, or administered; and reports of consultations or  
 864 referrals.

865 6. Exercising influence on the patient or client in such a  
 866 manner as to exploit the patient or client for financial gain of  
 867 the licensee or of a third party, which shall include, but not  
 868 be limited to, the promoting or selling of services, goods,  
 869 appliances, or drugs.

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

873 8. Performing any procedure or prescribing any therapy  
 874 which, by the prevailing standards of advanced or specialized  
 875 nursing practice in the community, would constitute

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876 experimentation on a human subject, without first obtaining  
 877 full, informed, and written consent.

878 9. Delegating professional responsibilities to a person  
 879 when the licensee delegating such responsibilities knows or has  
 880 reason to know that such person is not qualified by training,  
 881 experience, or licensure to perform them.

882 10. Conspiring with another independent advanced practice  
 883 registered nurse or with any other person to commit an act, or  
 884 committing an act, which would tend to coerce, intimidate, or  
 885 preclude another independent advanced practice registered nurse  
 886 from lawfully advertising his or her services.

887 11. Advertising or holding oneself out as having  
 888 certification in a specialty which the independent advanced  
 889 practice registered nurse has not received.

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

893 13. Providing deceptive or fraudulent expert witness  
 894 testimony related to the advanced or specialized practice of  
 895 nursing.

896 Section 8. Paragraph (c) of subsection (3) and paragraph  
 897 (a) of subsection (4) of section 39.303, Florida Statutes, is  
 898 amended to read:

899 39.303 Child protection teams; services; eligible cases.-  
 900 The Children's Medical Services Program in the Department of

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901 Health shall develop, maintain, and coordinate the services of  
 902 one or more multidisciplinary child protection teams in each of  
 903 the service districts of the Department of Children and Family  
 904 Services. Such teams may be composed of appropriate  
 905 representatives of school districts and appropriate health,  
 906 mental health, social service, legal service, and law  
 907 enforcement agencies. The Legislature finds that optimal  
 908 coordination of child protection teams and sexual abuse  
 909 treatment programs requires collaboration between the Department  
 910 of Health and the Department of Children and Family Services.  
 911 The two departments shall maintain an interagency agreement that  
 912 establishes protocols for oversight and operations of child  
 913 protection teams and sexual abuse treatment programs. The State  
 914 Surgeon General and the Deputy Secretary for Children's Medical  
 915 Services, in consultation with the Secretary of Children and  
 916 Family Services, shall maintain the responsibility for the  
 917 screening, employment, and, if necessary, the termination of  
 918 child protection team medical directors, at headquarters and in  
 919 the 15 districts. Child protection team medical directors shall  
 920 be responsible for oversight of the teams in the districts.

921 (3) All abuse and neglect cases transmitted for  
 922 investigation to a district by the hotline must be  
 923 simultaneously transmitted to the Department of Health child  
 924 protection team for review. For the purpose of determining  
 925 whether face-to-face medical evaluation by a child protection



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926 team is necessary, all cases transmitted to the child protection  
 927 team which meet the criteria in subsection (2) must be timely  
 928 reviewed by:

929 (c) An advanced practice registered nurse certified, or an  
 930 independent advanced practice registered nurse registered,  
 931 ~~practitioner licensed~~ under chapter 464, who has a specialty  
 932 ~~speciality~~ in pediatrics or family medicine and is a member of a  
 933 child protection team;

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

936 (a) The child was examined for the alleged abuse or  
 937 neglect by a physician or an independent advanced practice  
 938 registered nurse, who is not a member of the child protection  
 939 team, and a consultation between the child protection team  
 940 board-certified pediatrician, advanced practice registered nurse  
 941 ~~practitioner,~~ physician assistant working under the supervision  
 942 of a child protection team board-certified pediatrician, or  
 943 registered nurse working under the direct supervision of a child  
 944 protection team board-certified pediatrician, and the examining  
 945 practitioner ~~physician~~ concludes that a further medical  
 946 evaluation is unnecessary;

947  
 948 Notwithstanding paragraphs (a), (b), and (c), a child protection  
 949 team pediatrician, as authorized in subsection (3), may  
 950 determine that a face-to-face medical evaluation is necessary.

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951 Section 9. Paragraph (b) of subsection (1) of section  
 952 39.304, Florida Statutes, is amended to read:

953 39.304 Photographs, medical examinations, X rays, and  
 954 medical treatment of abused, abandoned, or neglected child.—

955 (1)

956 (b) If the areas of trauma visible on a child indicate a  
 957 need for a medical examination, or if the child verbally  
 958 complains or otherwise exhibits distress as a result of injury  
 959 through suspected child abuse, abandonment, or neglect, or is  
 960 alleged to have been sexually abused, the person required to  
 961 investigate may cause the child to be referred for diagnosis to  
 962 a licensed physician, independent advanced practice registered  
 963 nurse, or an emergency department in a hospital without the  
 964 consent of the child's parents or legal custodian. Such  
 965 examination may be performed by a ~~any~~ licensed physician, a  
 966 registered independent advanced practice registered nurse, or a  
 967 certified an advanced practice registered nurse practitioner  
 968 licensed pursuant to part I of chapter 464. Any examining  
 969 practitioner licensed physician, or advanced registered nurse  
 970 practitioner licensed pursuant to part I of chapter 464, who has  
 971 reasonable cause to suspect that an injury was the result of  
 972 child abuse, abandonment, or neglect may authorize a  
 973 radiological examination to be performed on the child without  
 974 the consent of the child's parent or legal custodian.

975 Section 10. Paragraph (a) of subsection (1) of section

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976 90.503, Florida Statutes, is amended to read:

977 90.503 Psychotherapist-patient privilege.—

978 (1) For purposes of this section:

979 (a) A "psychotherapist" is:

980 1. A person authorized to practice medicine in any state  
 981 or nation, or reasonably believed by the patient so to be, who  
 982 is engaged in the diagnosis or treatment of a mental or  
 983 emotional condition, including alcoholism and other drug  
 984 addiction;

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

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

994 4. Treatment personnel of facilities licensed by the state  
 995 pursuant to chapter 394, chapter 395, or chapter 397, of  
 996 facilities designated by the Department of Children and Families  
 997 ~~Family Services~~ pursuant to chapter 394 as treatment facilities,  
 998 or of facilities defined as community mental health centers  
 999 pursuant to s. 394.907(1), who are engaged primarily in the  
 1000 diagnosis or treatment of a mental or emotional condition,

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1001 including alcoholism and other drug addiction; or

1002 5. An independent advanced practice registered nurse or  
 1003 advanced practice registered nurse ~~practitioner certified under~~  
 1004 ~~s. 464.012~~, whose primary scope of practice is the diagnosis or  
 1005 treatment of mental or emotional conditions, including chemical  
 1006 abuse, and limited only to actions performed in accordance with  
 1007 part I of chapter 464.

1008 Section 11. Subsection (3) of section 110.12315, Florida  
 1009 Statutes, is amended to read:

1010 110.12315 Prescription drug program.—The state employees'  
 1011 prescription drug program is established. This program shall be  
 1012 administered by the Department of Management Services, according  
 1013 to the terms and conditions of the plan as established by the  
 1014 relevant provisions of the annual General Appropriations Act and  
 1015 implementing legislation, subject to the following conditions:

1016 (3) The Department of Management Services shall establish  
 1017 the reimbursement schedule for prescription pharmaceuticals  
 1018 dispensed under the program. Reimbursement rates for a  
 1019 prescription pharmaceutical must be based on the cost of the  
 1020 generic equivalent drug if a generic equivalent exists, unless  
 1021 the health care practitioner ~~physician~~ prescribing the  
 1022 pharmaceutical clearly states on the prescription that the brand  
 1023 name drug is medically necessary or that the drug product is  
 1024 included on the formulary of drug products that may not be  
 1025 interchanged as provided in chapter 465, in which case

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1026 reimbursement must be based on the cost of the brand name drug  
 1027 as specified in the reimbursement schedule adopted by the  
 1028 Department of Management Services.

1029 Section 12. Paragraph (e) of subsection (8) of section  
 1030 112.0455, Florida Statutes, is amended to read:

1031 112.0455 Drug-Free Workplace Act.—

1032 (8) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen  
 1033 collection and testing for drugs under this section shall be  
 1034 performed in accordance with the following procedures:

1035 (e) A specimen for a drug test may be taken or collected  
 1036 by any of the following persons:

1037 1. A physician, a physician's assistant, an independent  
 1038 advanced practice registered nurse, an advanced practice  
 1039 registered nurse, a registered ~~professional~~ nurse, a licensed  
 1040 practical nurse, a ~~nurse practitioner,~~ or a certified paramedic  
 1041 who is present at the scene of an accident for the purpose of  
 1042 rendering emergency medical service or treatment.

1043 2. A qualified person employed by a licensed laboratory.

1044 Section 13. Paragraph (f) of subsection (3) of section  
 1045 121.0515, Florida Statutes, is amended to read:

1046 121.0515 Special Risk Class.—

1047 (3) CRITERIA.—A member, to be designated as a special risk  
 1048 member, must meet the following criteria:

1049 (f) Effective January 1, 2001, the member must be employed  
 1050 in one of the following classes and must spend at least 75

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1051 | percent of his or her time performing duties which involve  
 1052 | contact with patients or inmates in a correctional or forensic  
 1053 | facility or institution:  
 1054 |       1. Dietitian (class codes 5203 and 5204);  
 1055 |       2. Public health nutrition consultant (class code 5224);  
 1056 |       3. Psychological specialist (class codes 5230 and 5231);  
 1057 |       4. Psychologist (class code 5234);  
 1058 |       5. Senior psychologist (class codes 5237 and 5238);  
 1059 |       6. Regional mental health consultant (class code 5240);  
 1060 |       7. Psychological Services Director—DCF (class code 5242);  
 1061 |       8. Pharmacist (class codes 5245 and 5246);  
 1062 |       9. Senior pharmacist (class codes 5248 and 5249);  
 1063 |       10. Dentist (class code 5266);  
 1064 |       11. Senior dentist (class code 5269);  
 1065 |       12. Registered nurse (class codes 5290 and 5291);  
 1066 |       13. Senior registered nurse (class codes 5292 and 5293);  
 1067 |       14. Registered nurse specialist (class codes 5294 and  
 1068 | 5295);  
 1069 |       15. Clinical associate (class codes 5298 and 5299);  
 1070 |       16. Advanced practice registered nurse ~~practitioner~~ (class  
 1071 | codes 5297 and 5300);  
 1072 |       17. Advanced practice registered nurse ~~practitioner~~  
 1073 | specialist (class codes 5304 and 5305);  
 1074 |       18. Registered nurse supervisor (class codes 5306 and  
 1075 | 5307);

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1076 19. Senior registered nurse supervisor (class codes 5308  
1077 and 5309);

1078 20. Registered nursing consultant (class codes 5312 and  
1079 5313);

1080 21. Quality management program supervisor (class code  
1081 5314);

1082 22. Executive nursing director (class codes 5320 and  
1083 5321);

1084 23. Speech and hearing therapist (class code 5406); or

1085 24. Pharmacy manager (class code 5251);

1086 Section 14. Paragraph (a) of subsection (3) of section  
1087 252.515, Florida Statutes, is amended to read:

1088 252.515 Postdisaster Relief Assistance Act; immunity from  
1089 civil liability.—

1090 (3) As used in this section, the term:

1091 (a) "Emergency first responder" means:

1092 1. A physician licensed under chapter 458.

1093 2. An osteopathic physician licensed under chapter 459.

1094 3. A chiropractic physician licensed under chapter 460.

1095 4. A podiatric physician licensed under chapter 461.

1096 5. A dentist licensed under chapter 466.

1097 6. An advanced practice registered nurse ~~practitioner~~  
1098 certified under s. 464.012.

1099 7. A physician assistant licensed under s. 458.347 or s.  
1100 459.022.

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1101 8. A worker employed by a public or private hospital in  
1102 the state.

1103 9. A paramedic as defined in s. 401.23(17).

1104 10. An emergency medical technician as defined in s.  
1105 401.23(11).

1106 11. A firefighter as defined in s. 633.102.

1107 12. A law enforcement officer as defined in s. 943.10.

1108 13. A member of the Florida National Guard.

1109 14. Any other personnel designated as emergency personnel  
1110 by the Governor pursuant to a declared emergency.

1111 Section 15. Paragraph (c) of subsection (1) of section  
1112 310.071, Florida Statutes, is amended to read:

1113 310.071 Deputy pilot certification.—

1114 (1) In addition to meeting other requirements specified in  
1115 this chapter, each applicant for certification as a deputy pilot  
1116 must:

1117 (c) Be in good physical and mental health, as evidenced by  
1118 documentary proof of having satisfactorily passed a complete  
1119 physical examination administered by a licensed physician or  
1120 independent advanced practice registered nurse within the  
1121 preceding 6 months. The board shall adopt rules to establish  
1122 requirements for passing the physical examination, which rules  
1123 shall establish minimum standards for the physical or mental  
1124 capabilities necessary to carry out the professional duties of a  
1125 certificated deputy pilot. Such standards shall include zero



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1126 tolerance for any controlled substance regulated under chapter  
 1127 893 unless that individual is under the care of a physician, an  
 1128 independent advanced practice registered nurse, or an advanced  
 1129 practice registered nurse and that controlled substance was  
 1130 prescribed by that physician, independent advanced practice  
 1131 registered nurse, or advanced practice registered nurse. To  
 1132 maintain eligibility as a certificated deputy pilot, each  
 1133 certificated deputy pilot must annually provide documentary  
 1134 proof of having satisfactorily passed a complete physical  
 1135 examination administered by a licensed physician or independent  
 1136 advanced practice registered nurse. The examining practitioner  
 1137 ~~physician~~ must know the minimum standards and certify that the  
 1138 certificateholder satisfactorily meets the standards. The  
 1139 standards for certificateholders shall include a drug test.

1140 Section 16. Subsection (3) of section 310.073, Florida  
 1141 Statutes, is amended to read:

1142 310.073 State pilot licensing.—In addition to meeting  
 1143 other requirements specified in this chapter, each applicant for  
 1144 license as a state pilot must:

1145 (3) Be in good physical and mental health, as evidenced by  
 1146 documentary proof of having satisfactorily passed a complete  
 1147 physical examination administered by a licensed physician or an  
 1148 independent advanced practice registered nurse within the  
 1149 preceding 6 months. The board shall adopt rules to establish  
 1150 requirements for passing the physical examination, which rules

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1151 shall establish minimum standards for the physical or mental  
 1152 capabilities necessary to carry out the professional duties of a  
 1153 licensed state pilot. Such standards shall include zero  
 1154 tolerance for any controlled substance regulated under chapter  
 1155 893 unless that individual is under the care of a physician, an  
 1156 independent advanced practice registered nurse, or an advanced  
 1157 practice registered nurse and that controlled substance was  
 1158 prescribed by that physician, independent advanced practice  
 1159 registered nurse, or advanced practice registered nurse. To  
 1160 maintain eligibility as a licensed state pilot, each licensed  
 1161 state pilot must annually provide documentary proof of having  
 1162 satisfactorily passed a complete physical examination  
 1163 administered by a licensed physician or an independent advanced  
 1164 practice registered nurse. The examining practitioner ~~physician~~  
 1165 must know the minimum standards and certify that the licensee  
 1166 satisfactorily meets the standards. The standards for licensees  
 1167 shall include a drug test.

1168 Section 17. Paragraph (b) of subsection (3) of section  
 1169 310.081, Florida Statutes, is amended to read:

1170 310.081 Department to examine and license state pilots and  
 1171 certificate deputy pilots; vacancies.-

1172 (3) Pilots shall hold their licenses or certificates  
 1173 pursuant to the requirements of this chapter so long as they:

1174 (b) Are in good physical and mental health as evidenced by  
 1175 documentary proof of having satisfactorily passed a physical

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1176 examination administered by a licensed physician, an independent  
 1177 advanced practice registered nurse, or a physician assistant  
 1178 within each calendar year. The board shall adopt rules to  
 1179 establish requirements for passing the physical examination,  
 1180 which rules shall establish minimum standards for the physical  
 1181 or mental capabilities necessary to carry out the professional  
 1182 duties of a licensed state pilot or a certificated deputy pilot.  
 1183 Such standards shall include zero tolerance for any controlled  
 1184 substance regulated under chapter 893 unless that individual is  
 1185 under the care of a physician, an independent advanced practice  
 1186 registered nurse, or an advanced practice registered nurse and  
 1187 that controlled substance was prescribed by that physician,  
 1188 independent advanced practice registered nurse, or advanced  
 1189 practice registered nurse. To maintain eligibility as a  
 1190 certificated deputy pilot or licensed state pilot, each  
 1191 certificated deputy pilot or licensed state pilot must annually  
 1192 provide documentary proof of having satisfactorily passed a  
 1193 complete physical examination administered by a licensed  
 1194 physician or an independent advanced practice registered nurse.  
 1195 The physician or independent advanced practice registered nurse  
 1196 must know the minimum standards and certify that the  
 1197 certificateholder or licensee satisfactorily meets the  
 1198 standards. The standards for certificateholders and for  
 1199 licensees shall include a drug test.

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1201 Upon resignation or in the case of disability permanently  
 1202 affecting a pilot's ability to serve, the state license or  
 1203 certificate issued under this chapter shall be revoked by the  
 1204 department.

1205 Section 18. Paragraph (b) of subsection (1) of section  
 1206 320.0848, Florida Statutes, is amended to read:

1207 320.0848 Persons who have disabilities; issuance of  
 1208 disabled parking permits; temporary permits; permits for certain  
 1209 providers of transportation services to persons who have  
 1210 disabilities.—

1211 (1)

1212 (b)1. The person must be currently certified as being  
 1213 legally blind or as having any of the following disabilities  
 1214 that render him or her unable to walk 200 feet without stopping  
 1215 to rest:

1216 a. Inability to walk without the use of or assistance from  
 1217 a brace, cane, crutch, prosthetic device, or other assistive  
 1218 device, or without the assistance of another person. If the  
 1219 assistive device significantly restores the person's ability to  
 1220 walk to the extent that the person can walk without severe  
 1221 limitation, the person is not eligible for the exemption parking  
 1222 permit.

1223 b. The need to permanently use a wheelchair.

1224 c. Restriction by lung disease to the extent that the  
 1225 person's forced (respiratory) expiratory volume for 1 second,

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1226 when measured by spirometry, is less than 1 liter, or the  
 1227 person's arterial oxygen is less than 60 mm/hg on room air at  
 1228 rest.

1229 d. Use of portable oxygen.

1230 e. Restriction by cardiac condition to the extent that the  
 1231 person's functional limitations are classified in severity as  
 1232 Class III or Class IV according to standards set by the American  
 1233 Heart Association.

1234 f. Severe limitation in the person's ability to walk due  
 1235 to an arthritic, neurological, or orthopedic condition.

1236 2. The certification of disability which is required under  
 1237 subparagraph 1. must be provided by a physician licensed under  
 1238 chapter 458, chapter 459, or chapter 460;~~;~~ by a podiatric  
 1239 physician licensed under chapter 461;~~;~~ by an optometrist  
 1240 licensed under chapter 463;~~;~~ by an independent advanced practice  
 1241 registered nurse registered, or an advanced practice registered  
 1242 nurse certified, practitioner licensed under part I of chapter  
 1243 464; ~~under the protocol of a licensed physician as stated in~~  
 1244 ~~this subparagraph,~~ by a physician assistant licensed under  
 1245 chapter 458 or chapter 459;~~;~~ or by a similarly licensed  
 1246 physician from another state if the application is accompanied  
 1247 by documentation of the physician's licensure in the other state  
 1248 and a form signed by the out-of-state physician verifying his or  
 1249 her knowledge of this state's eligibility guidelines.

1250 Section 19. Paragraph (b) of subsection (1) of section

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1251 381.00315, Florida Statutes, is amended to read:  
 1252 381.00315 Public health advisories; public health  
 1253 emergencies; quarantines.—The State Health Officer is  
 1254 responsible for declaring public health emergencies and  
 1255 quarantines and issuing public health advisories.  
 1256 (1) As used in this section, the term:  
 1257 (b) "Public health emergency" means any occurrence, or  
 1258 threat thereof, whether natural or man made, which results or  
 1259 may result in substantial injury or harm to the public health  
 1260 from infectious disease, chemical agents, nuclear agents,  
 1261 biological toxins, or situations involving mass casualties or  
 1262 natural disasters. Prior to declaring a public health emergency,  
 1263 the State Health Officer shall, to the extent possible, consult  
 1264 with the Governor and shall notify the Chief of Domestic  
 1265 Security. The declaration of a public health emergency shall  
 1266 continue until the State Health Officer finds that the threat or  
 1267 danger has been dealt with to the extent that the emergency  
 1268 conditions no longer exist and he or she terminates the  
 1269 declaration. However, a declaration of a public health emergency  
 1270 may not continue for longer than 60 days unless the Governor  
 1271 concurs in the renewal of the declaration. The State Health  
 1272 Officer, upon declaration of a public health emergency, may take  
 1273 actions that are necessary to protect the public health. Such  
 1274 actions include, but are not limited to:  
 1275 1. Directing manufacturers of prescription drugs or over-

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1276 the-counter drugs who are permitted under chapter 499 and  
 1277 wholesalers of prescription drugs located in this state who are  
 1278 permitted under chapter 499 to give priority to the shipping of  
 1279 specified drugs to pharmacies and health care providers within  
 1280 geographic areas that have been identified by the State Health  
 1281 Officer. The State Health Officer must identify the drugs to be  
 1282 shipped. Manufacturers and wholesalers located in the state must  
 1283 respond to the State Health Officer's priority shipping  
 1284 directive before shipping the specified drugs.

1285 2. Notwithstanding chapters 465 and 499 and rules adopted  
 1286 thereunder, directing pharmacists employed by the department to  
 1287 compound bulk prescription drugs and provide these bulk  
 1288 prescription drugs to physicians and nurses of county health  
 1289 departments or any qualified person authorized by the State  
 1290 Health Officer for administration to persons as part of a  
 1291 prophylactic or treatment regimen.

1292 3. Notwithstanding s. 456.036, temporarily reactivating  
 1293 the inactive license of the following health care practitioners,  
 1294 when such practitioners are needed to respond to the public  
 1295 health emergency: physicians licensed under chapter 458 or  
 1296 chapter 459; physician assistants licensed under chapter 458 or  
 1297 chapter 459; independent advanced practice registered nurses  
 1298 registered, ~~licensed~~ practical nurses, or registered nurses  
 1299 licensed, and advanced practice registered nurses certified  
 1300 ~~nurse practitioners licensed~~ under part I of chapter 464;

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1301 respiratory therapists licensed under part V of chapter 468; and  
 1302 emergency medical technicians and paramedics certified under  
 1303 part III of chapter 401. Only those health care practitioners  
 1304 specified in this paragraph who possess an unencumbered inactive  
 1305 license and who request that such license be reactivated are  
 1306 eligible for reactivation. An inactive license that is  
 1307 reactivated under this paragraph shall return to inactive status  
 1308 when the public health emergency ends or prior to the end of the  
 1309 public health emergency if the State Health Officer determines  
 1310 that the health care practitioner is no longer needed to provide  
 1311 services during the public health emergency. Such licenses may  
 1312 only be reactivated for a period not to exceed 90 days without  
 1313 meeting the requirements of s. 456.036 or chapter 401, as  
 1314 applicable.

1315 4. Ordering an individual to be examined, tested,  
 1316 vaccinated, treated, or quarantined for communicable diseases  
 1317 that have significant morbidity or mortality and present a  
 1318 severe danger to public health. Individuals who are unable or  
 1319 unwilling to be examined, tested, vaccinated, or treated for  
 1320 reasons of health, religion, or conscience may be subjected to  
 1321 quarantine.

1322 a. Examination, testing, vaccination, or treatment may be  
 1323 performed by any qualified person authorized by the State Health  
 1324 Officer.

1325 b. If the individual poses a danger to the public health,



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1326 the State Health Officer may subject the individual to  
 1327 quarantine. If there is no practical method to quarantine the  
 1328 individual, the State Health Officer may use any means necessary  
 1329 to vaccinate or treat the individual.

1330  
 1331 Any order of the State Health Officer given to effectuate this  
 1332 paragraph shall be immediately enforceable by a law enforcement  
 1333 officer under s. 381.0012.

1334 Section 20. Subsection (3) of section 381.00593, Florida  
 1335 Statutes, is amended to read:

1336 381.00593 Public school volunteer health care practitioner  
 1337 program.—

1338 (3) For purposes of this section, the term "health care  
 1339 practitioner" means a physician licensed under chapter 458; an  
 1340 osteopathic physician licensed under chapter 459; a chiropractic  
 1341 physician licensed under chapter 460; a podiatric physician  
 1342 licensed under chapter 461; an optometrist licensed under  
 1343 chapter 463; an independent advanced practice registered nurse  
 1344 registered, an advanced practice registered nurse certified  
 1345 practitioner, or a registered nurse, or ~~licensed practical nurse~~  
 1346 ~~licensed,~~ under part I of chapter 464; a pharmacist licensed  
 1347 under chapter 465; a dentist or dental hygienist licensed under  
 1348 chapter 466; a midwife licensed under chapter 467; a speech-  
 1349 language pathologist or audiologist licensed under part I of  
 1350 chapter 468; a dietitian/nutritionist licensed under part X of

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1351 chapter 468; or a physical therapist licensed under chapter 486.

1352 Section 21. Paragraph (c) of subsection (2) of section  
1353 381.026, Florida Statutes, is amended to read:

1354 381.026 Florida Patient's Bill of Rights and  
1355 Responsibilities.—

1356 (2) DEFINITIONS.—As used in this section and s. 381.0261,  
1357 the term:

1358 (c) "Health care provider" means a physician licensed  
1359 under chapter 458, an osteopathic physician licensed under  
1360 chapter 459, ~~or~~ a podiatric physician licensed under chapter  
1361 461, or an independent advanced practice registered nurse  
1362 registered under part I of chapter 464.

1363 Section 22. Paragraph (c) of subsection (1) of section  
1364 383.141, Florida Statutes, is amended to read:

1365 383.141 Prenatally diagnosed conditions; patient to be  
1366 provided information; definitions; information clearinghouse;  
1367 advisory council.—

1368 (1) As used in this section, the term:

1369 (c) "Health care provider" means a practitioner licensed  
1370 or registered under chapter 458 or chapter 459, or an  
1371 independent advanced practice registered nurse registered, or an  
1372 advanced practice registered nurse ~~practitioner~~ certified, under  
1373 part I of chapter 464.

1374 Section 23. Paragraph (a) of subsection (3) of section  
1375 390.0111, Florida Statutes, is amended to read:

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1376 390.0111 Termination of pregnancies.-

1377 (3) CONSENTS REQUIRED.—A termination of pregnancy may not  
 1378 be performed or induced except with the voluntary and informed  
 1379 written consent of the pregnant woman or, in the case of a  
 1380 mental incompetent, the voluntary and informed written consent  
 1381 of her court-appointed guardian.

1382 (a) Except in the case of a medical emergency, consent to  
 1383 a termination of pregnancy is voluntary and informed only if:

1384 1. The physician who is to perform the procedure, or the  
 1385 referring physician, has, at a minimum, orally, in person,  
 1386 informed the woman of:

1387 a. The nature and risks of undergoing or not undergoing  
 1388 the proposed procedure that a reasonable patient would consider  
 1389 material to making a knowing and willful decision of whether to  
 1390 terminate a pregnancy.

1391 b. The probable gestational age of the fetus, verified by  
 1392 an ultrasound, at the time the termination of pregnancy is to be  
 1393 performed.

1394 (I) The ultrasound must be performed by the physician who  
 1395 is to perform the abortion or by a person having documented  
 1396 evidence that he or she has completed a course in the operation  
 1397 of ultrasound equipment as prescribed by rule and who is working  
 1398 in conjunction with the physician.

1399 (II) The person performing the ultrasound must offer the  
 1400 woman the opportunity to view the live ultrasound images and

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1401 | hear an explanation of them. If the woman accepts the  
 1402 | opportunity to view the images and hear the explanation, a  
 1403 | physician or a registered nurse, licensed practical nurse,  
 1404 | advanced practice registered nurse ~~practitioner~~, independent  
 1405 | advanced practice registered nurse, or physician assistant  
 1406 | working in conjunction with the physician must contemporaneously  
 1407 | review and explain the images to the woman before the woman  
 1408 | gives informed consent to having an abortion procedure  
 1409 | performed.

1410 |         (III) The woman has a right to decline to view and hear  
 1411 | the explanation of the live ultrasound images after she is  
 1412 | informed of her right and offered an opportunity to view the  
 1413 | images and hear the explanation. If the woman declines, the  
 1414 | woman shall complete a form acknowledging that she was offered  
 1415 | an opportunity to view and hear the explanation of the images  
 1416 | but that she declined that opportunity. The form must also  
 1417 | indicate that the woman's decision was not based on any undue  
 1418 | influence from any person to discourage her from viewing the  
 1419 | images or hearing the explanation and that she declined of her  
 1420 | own free will.

1421 |         (IV) Unless requested by the woman, the person performing  
 1422 | the ultrasound may not offer the opportunity to view the images  
 1423 | and hear the explanation and the explanation may not be given  
 1424 | if, at the time the woman schedules or arrives for her  
 1425 | appointment to obtain an abortion, a copy of a restraining

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1426 order, police report, medical record, or other court order or  
 1427 documentation is presented which provides evidence that the  
 1428 woman is obtaining the abortion because the woman is a victim of  
 1429 rape, incest, domestic violence, or human trafficking or that  
 1430 the woman has been diagnosed as having a condition that, on the  
 1431 basis of a physician's good faith clinical judgment, would  
 1432 create a serious risk of substantial and irreversible impairment  
 1433 of a major bodily function if the woman delayed terminating her  
 1434 pregnancy.

1435 c. The medical risks to the woman and fetus of carrying  
 1436 the pregnancy to term.

1437 2. Printed materials prepared and provided by the  
 1438 department have been provided to the pregnant woman, if she  
 1439 chooses to view these materials, including:

1440 a. A description of the fetus, including a description of  
 1441 the various stages of development.

1442 b. A list of entities that offer alternatives to  
 1443 terminating the pregnancy.

1444 c. Detailed information on the availability of medical  
 1445 assistance benefits for prenatal care, childbirth, and neonatal  
 1446 care.

1447 3. The woman acknowledges in writing, before the  
 1448 termination of pregnancy, that the information required to be  
 1449 provided under this subsection has been provided.

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1451 Nothing in this paragraph is intended to prohibit a physician  
 1452 from providing any additional information which the physician  
 1453 deems material to the woman's informed decision to terminate her  
 1454 pregnancy.

1455 Section 24. Paragraphs (c), (e), and (f) of subsection (3)  
 1456 of section 390.012, Florida Statutes, are amended to read:

1457 390.012 Powers of agency; rules; disposal of fetal  
 1458 remains.-

1459 (3) For clinics that perform or claim to perform abortions  
 1460 after the first trimester of pregnancy, the agency shall adopt  
 1461 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
 1462 provisions of this chapter, including the following:

1463 (c) Rules relating to abortion clinic personnel. At a  
 1464 minimum, these rules shall require that:

1465 1. The abortion clinic designate a medical director who is  
 1466 licensed to practice medicine in this state and who has  
 1467 admitting privileges at a licensed hospital in this state or has  
 1468 a transfer agreement with a licensed hospital within reasonable  
 1469 proximity of the clinic.

1470 2. If a physician is not present after an abortion is  
 1471 performed, a registered nurse, licensed practical nurse,  
 1472 advanced practice registered nurse practitioner, independent  
 1473 advanced practice registered nurse, or physician assistant shall  
 1474 be present and remain at the clinic to provide postoperative  
 1475 monitoring and care until the patient is discharged.

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1476           3. Surgical assistants receive training in counseling,  
1477 patient advocacy, and the specific responsibilities associated  
1478 with the services the surgical assistants provide.

1479           4. Volunteers receive training in the specific  
1480 responsibilities associated with the services the volunteers  
1481 provide, including counseling and patient advocacy as provided  
1482 in the rules adopted by the director for different types of  
1483 volunteers based on their responsibilities.

1484           (e) Rules relating to the abortion procedure. At a  
1485 minimum, these rules shall require:

1486           1. That a physician, registered nurse, licensed practical  
1487 nurse, advanced practice registered nurse ~~practitioner~~,  
1488 independent advanced practice registered nurse, or physician  
1489 assistant is available to all patients throughout the abortion  
1490 procedure.

1491           2. Standards for the safe conduct of abortion procedures  
1492 that conform to obstetric standards in keeping with established  
1493 standards of care regarding the estimation of fetal age as  
1494 defined in rule.

1495           3. Appropriate use of general and local anesthesia,  
1496 analgesia, and sedation if ordered by the physician.

1497           4. Appropriate precautions, such as the establishment of  
1498 intravenous access at least for patients undergoing post-first  
1499 trimester abortions.

1500           5. Appropriate monitoring of the vital signs and other

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1501 defined signs and markers of the patient's status throughout the  
 1502 abortion procedure and during the recovery period until the  
 1503 patient's condition is deemed to be stable in the recovery room.

1504 (f) Rules that prescribe minimum recovery room standards.  
 1505 At a minimum, these rules shall require that:

1506 1. Postprocedure recovery rooms are supervised and staffed  
 1507 to meet the patients' needs.

1508 2. Immediate postprocedure care consists of observation in  
 1509 a supervised recovery room for as long as the patient's  
 1510 condition warrants.

1511 3. The clinic arranges hospitalization if any complication  
 1512 beyond the medical capability of the staff occurs or is  
 1513 suspected.

1514 4. A registered nurse, licensed practical nurse, advanced  
 1515 practice registered nurse ~~practitioner~~, independent advanced  
 1516 practice registered nurse, or physician assistant who is trained  
 1517 in the management of the recovery area and is capable of  
 1518 providing basic cardiopulmonary resuscitation and related  
 1519 emergency procedures remains on the premises of the abortion  
 1520 clinic until all patients are discharged.

1521 5. A physician shall sign the discharge order and be  
 1522 readily accessible and available until the last patient is  
 1523 discharged to facilitate the transfer of emergency cases if  
 1524 hospitalization of the patient or viable fetus is necessary.

1525 6. A physician discusses Rho(D) immune globulin with each



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1526 patient for whom it is indicated and ensures that it is offered  
 1527 to the patient in the immediate postoperative period or that it  
 1528 will be available to her within 72 hours after completion of the  
 1529 abortion procedure. If the patient refuses the Rho(D) immune  
 1530 globulin, a refusal form approved by the agency shall be signed  
 1531 by the patient and a witness and included in the medical record.

1532 7. Written instructions with regard to postabortion  
 1533 coitus, signs of possible problems, and general aftercare are  
 1534 given to each patient. Each patient shall have specific written  
 1535 instructions regarding access to medical care for complications,  
 1536 including a telephone number to call for medical emergencies.

1537 8. There is a specified minimum length of time that a  
 1538 patient remains in the recovery room by type of abortion  
 1539 procedure and duration of gestation.

1540 9. The physician ensures that a registered nurse, licensed  
 1541 practical nurse, advanced practice registered nurse  
 1542 ~~practitioner~~, independent advanced practice registered nurse, or  
 1543 physician assistant from the abortion clinic makes a good faith  
 1544 effort to contact the patient by telephone, with the patient's  
 1545 consent, within 24 hours after surgery to assess the patient's  
 1546 recovery.

1547 10. Equipment and services are readily accessible to  
 1548 provide appropriate emergency resuscitative and life support  
 1549 procedures pending the transfer of the patient or viable fetus  
 1550 to the hospital.

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1551 Section 25. Subsection (23) of section 394.455, Florida  
 1552 Statutes, is amended to read:

1553 394.455 Definitions.—As used in this part, unless the  
 1554 context clearly requires otherwise, the term:

1555 (23) "Psychiatric nurse" means a registered nurse licensed  
 1556 under part I of chapter 464 who has a master's degree or a  
 1557 doctorate in psychiatric nursing and 2 years of post-master's  
 1558 clinical experience under the supervision of a physician, or an  
 1559 independent advanced practice registered nurse registered, or an  
 1560 advanced practice registered nurse certified, under part I of  
 1561 chapter 464, who obtains national certification as a  
 1562 psychiatric-mental health advanced practice nurse.

1563 Section 26. Paragraph (a) of subsection (2) of section  
 1564 394.463, Florida Statutes, is amended to read:

1565 394.463 Involuntary examination.—

1566 (2) INVOLUNTARY EXAMINATION.—

1567 (a) An involuntary examination may be initiated by any one  
 1568 of the following means:

1569 1. A court may enter an ex parte order stating that a  
 1570 person appears to meet the criteria for involuntary examination,  
 1571 giving the findings on which that conclusion is based. The ex  
 1572 parte order for involuntary examination must be based on sworn  
 1573 testimony, written or oral. If other less restrictive means are  
 1574 not available, such as voluntary appearance for outpatient  
 1575 evaluation, a law enforcement officer, or other designated agent

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1576 of the court, shall take the person into custody and deliver him  
 1577 or her to the nearest receiving facility for involuntary  
 1578 examination. The order of the court shall be made a part of the  
 1579 patient's clinical record. No fee shall be charged for the  
 1580 filing of an order under this subsection. Any receiving facility  
 1581 accepting the patient based on this order must send a copy of  
 1582 the order to the Agency for Health Care Administration on the  
 1583 next working day. The order shall be valid only until executed  
 1584 or, if not executed, for the period specified in the order  
 1585 itself. If no time limit is specified in the order, the order  
 1586 shall be valid for 7 days after the date that the order was  
 1587 signed.

1588 2. A law enforcement officer shall take a person who  
 1589 appears to meet the criteria for involuntary examination into  
 1590 custody and deliver the person or have him or her delivered to  
 1591 the nearest receiving facility for examination. The officer  
 1592 shall execute a written report detailing the circumstances under  
 1593 which the person was taken into custody, and the report shall be  
 1594 made a part of the patient's clinical record. Any receiving  
 1595 facility accepting the patient based on this report must send a  
 1596 copy of the report to the Agency for Health Care Administration  
 1597 on the next working day.

1598 3. A physician, clinical psychologist, psychiatric nurse,  
 1599 independent advanced practice registered nurse, advanced  
 1600 practice registered nurse, mental health counselor, marriage and

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1601 family therapist, or clinical social worker may execute a  
 1602 certificate stating that he or she has examined a person within  
 1603 the preceding 48 hours and finds that the person appears to meet  
 1604 the criteria for involuntary examination and stating the  
 1605 observations upon which that conclusion is based. If other less  
 1606 restrictive means are not available, such as voluntary  
 1607 appearance for outpatient evaluation, a law enforcement officer  
 1608 shall take the person named in the certificate into custody and  
 1609 deliver him or her to the nearest receiving facility for  
 1610 involuntary examination. The law enforcement officer shall  
 1611 execute a written report detailing the circumstances under which  
 1612 the person was taken into custody. The report and certificate  
 1613 shall be made a part of the patient's clinical record. Any  
 1614 receiving facility accepting the patient based on this  
 1615 certificate must send a copy of the certificate to the Agency  
 1616 for Health Care Administration on the next working day.

1617 Section 27. Paragraphs (a) and (b) of subsection (2) and  
 1618 subsection (4) of section 395.0191, Florida Statutes, are  
 1619 amended to read:

1620 395.0191 Staff membership and clinical privileges.—

1621 (2) (a) Each licensed facility shall establish rules and  
 1622 procedures for consideration of an application for clinical  
 1623 privileges submitted by an independent advanced practice  
 1624 registered nurse registered, or an advanced practice registered  
 1625 nurse practitioner licensed and certified, under part I of

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1626 chapter 464, in accordance with the provisions of this section.  
 1627 No licensed facility shall deny such application solely because  
 1628 the applicant is registered or certified ~~licensed~~ under part I  
 1629 of chapter 464 or because the applicant is not a participant in  
 1630 the Florida Birth-Related Neurological Injury Compensation Plan.

1631 (b) An advanced practice registered nurse ~~practitioner~~ who  
 1632 is certified as a registered nurse anesthetist ~~licensed~~ under  
 1633 part I of chapter 464 shall administer anesthesia under the  
 1634 onsite medical direction of a professional licensed under  
 1635 chapter 458, chapter 459, or chapter 466, and in accordance with  
 1636 an established protocol approved by the medical staff. The  
 1637 medical direction shall specifically address the needs of the  
 1638 individual patient. This paragraph does not apply to an  
 1639 independent advanced practice registered nurse who is certified  
 1640 as a registered nurse anesthetist under part I of chapter 464.

1641 (4) Nothing herein shall restrict in any way the authority  
 1642 of the medical staff of a licensed facility to review for  
 1643 approval or disapproval all applications for appointment and  
 1644 reappointment to all categories of staff and to make  
 1645 recommendations on each applicant to the governing board,  
 1646 including the delineation of privileges to be granted in each  
 1647 case. In making such recommendations and in the delineation of  
 1648 privileges, each applicant shall be considered individually  
 1649 pursuant to criteria for a doctor licensed under chapter 458,  
 1650 chapter 459, chapter 461, or chapter 466, or for an independent

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1651 advanced practice registered nurse registered, or an advanced  
 1652 practice registered nurse ~~practitioner licensed and certified,~~  
 1653 under part I of chapter 464, or for a psychologist licensed  
 1654 under chapter 490, as applicable. The applicant's eligibility  
 1655 for staff membership or clinical privileges shall be determined  
 1656 by the applicant's background, experience, health, training, and  
 1657 demonstrated competency; the applicant's adherence to applicable  
 1658 professional ethics; the applicant's reputation; and the  
 1659 applicant's ability to work with others and by such other  
 1660 elements as determined by the governing board, consistent with  
 1661 this part.

1662 Section 28. Subsection (3) of section 395.602, Florida  
 1663 Statutes, is amended to read:

1664 395.602 Rural hospitals.—

1665 (3) USE OF FUNDS.—It is the intent of the Legislature that  
 1666 funds as appropriated shall be utilized by the department for  
 1667 the purpose of increasing the number of primary care physicians,  
 1668 physician assistants, certified nurse midwives, certified nurse  
 1669 practitioners, and nurses in rural areas, either through the  
 1670 Medical Education Reimbursement and Loan Repayment Program as  
 1671 defined by s. 1009.65 or through a federal loan repayment  
 1672 program which requires state matching funds. The department may  
 1673 use funds appropriated for the Medical Education Reimbursement  
 1674 and Loan Repayment Program as matching funds for federal loan  
 1675 repayment programs for health care personnel, such as that

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1676 authorized in Pub. L. No. 100-177, s. 203. If the department  
 1677 receives federal matching funds, the department shall only  
 1678 implement the federal program. Reimbursement through either  
 1679 program shall be limited to:

1680 (a) Primary care physicians, physician assistants,  
 1681 certified nurse midwives, certified nurse practitioners, and  
 1682 nurses employed by or affiliated with rural hospitals, as  
 1683 defined in this act; and

1684 (b) Primary care physicians, physician assistants,  
 1685 certified nurse midwives, certified nurse practitioners, and  
 1686 nurses employed by or affiliated with rural area health  
 1687 education centers, as defined in this section. These personnel  
 1688 shall practice:

1689 1. In a county with a population density of no greater  
 1690 than 100 persons per square mile; or

1691 2. Within the boundaries of a hospital tax district which  
 1692 encompasses a population of no greater than 100 persons per  
 1693 square mile.

1694  
 1695 If the department administers a federal loan repayment program,  
 1696 priority shall be given to obligating state and federal matching  
 1697 funds pursuant to paragraphs (a) and (b). The department may use  
 1698 federal matching funds in other health workforce shortage areas  
 1699 and medically underserved areas in the state for loan repayment  
 1700 programs for primary care physicians, physician assistants,

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1701 certified nurse midwives, certified nurse practitioners, and  
 1702 nurses who are employed by publicly financed health care  
 1703 programs that serve medically indigent persons.

1704 Section 29. Paragraphs (b) and (c) of subsection (8) of  
 1705 section 395.605, Florida Statutes, are amended to read:

1706 395.605 Emergency care hospitals.—

1707 (8)

1708 (b) All patients shall be under the care of a physician or  
 1709 an independent advanced practice registered nurse, or under the  
 1710 care of an advanced practice registered a nurse ~~practitioner~~ or  
 1711 physician assistant supervised by a physician.

1712 (c) A physician, independent advanced practice registered  
 1713 nurse, advanced practice registered nurse ~~practitioner~~, or  
 1714 physician assistant shall be on duty at all times, or a  
 1715 physician shall be on call and available within 30 minutes at  
 1716 all times.

1717 Section 30. Subsection (26) of section 397.311, Florida  
 1718 Statutes, is amended to read:

1719 397.311 Definitions.—As used in this chapter, except part  
 1720 VIII, the term:

1721 (26) "Qualified professional" means a physician or a  
 1722 physician assistant licensed under chapter 458 or chapter 459; a  
 1723 professional licensed under chapter 490 or chapter 491; an  
 1724 independent advanced practice registered nurse or advanced  
 1725 practice registered nurse, who has ~~practitioner~~ having a



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1726 specialty in psychiatry and is registered or certified ~~licensed~~  
 1727 under part I of chapter 464; or a person who is certified  
 1728 through a department-recognized certification process for  
 1729 substance abuse treatment services and who holds, at a minimum,  
 1730 a bachelor's degree. A person who is certified in substance  
 1731 abuse treatment services by a state-recognized certification  
 1732 process in another state at the time of employment with a  
 1733 licensed substance abuse provider in this state may perform the  
 1734 functions of a qualified professional as defined in this chapter  
 1735 but must meet certification requirements contained in this  
 1736 subsection no later than 1 year after his or her date of  
 1737 employment.

1738 Section 31. Subsection (11) of section 397.405, Florida  
 1739 Statutes, is amended to read:

1740 397.405 Exemptions from licensure.—The following are  
 1741 exempt from the licensing provisions of this chapter:

1742 (11) A facility licensed under s. 394.875 as a crisis  
 1743 stabilization unit.

1744  
 1745 The exemptions from licensure in this section do not apply to  
 1746 any service provider that receives an appropriation, grant, or  
 1747 contract from the state to operate as a service provider as  
 1748 defined in this chapter or to any substance abuse program  
 1749 regulated pursuant to s. 397.406. Furthermore, this chapter may  
 1750 not be construed to limit the practice of a physician or

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1751 physician assistant licensed under chapter 458 or chapter 459, a  
 1752 psychologist licensed under chapter 490, a psychotherapist  
 1753 licensed under chapter 491, or an independent advanced practice  
 1754 registered nurse registered, or an advanced practice registered  
 1755 nurse certified, practitioner licensed under part I of chapter  
 1756 464, who provides substance abuse treatment, ~~so long as~~ unless a  
 1757 practitioner represents the physician, physician assistant,  
 1758 psychologist, psychotherapist, or advanced registered nurse  
 1759 ~~practitioner does not represent~~ to the public that he or she is  
 1760 a licensed service provider and provides ~~does not provide~~  
 1761 services to individuals pursuant to part V of this chapter.  
 1762 Failure to comply with any requirement necessary to maintain an  
 1763 exempt status under this section is a misdemeanor of the first  
 1764 degree, punishable as provided in s. 775.082 or s. 775.083.

1765 Section 32. Paragraph (a) of subsection (5) and  
 1766 subsections (9) and (10) of section 397.427, Florida Statutes,  
 1767 are amended to read:

1768 397.427 Medication-assisted treatment service providers;  
 1769 rehabilitation program; needs assessment and provision of  
 1770 services; persons authorized to issue takeout medication;  
 1771 unlawful operation; penalty.-

1772 (5) Notwithstanding s. 465.019(2), a physician assistant,  
 1773 a registered nurse, an advanced practice registered nurse  
 1774 ~~practitioner~~, or a licensed practical nurse working for a  
 1775 licensed service provider may deliver takeout medication for

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1776 opiate treatment to persons enrolled in a maintenance treatment  
 1777 program for medication-assisted treatment for opiate addiction  
 1778 if:

1779 (a) The medication-assisted treatment program for opiate  
 1780 addiction has an appropriate valid permit issued pursuant to  
 1781 rules adopted by the Board of Pharmacy;

1782 (9) A physician assistant, a registered nurse, an advanced  
 1783 practice registered nurse ~~practitioner~~, or a licensed practical  
 1784 nurse working for a licensed service provider may deliver  
 1785 medication as prescribed by rule if:

1786 (a) The service provider is authorized to provide  
 1787 medication-assisted treatment;

1788 (b) The medication has been administered pursuant to a  
 1789 valid prescription written by the program's physician who is  
 1790 licensed under chapter 458 or chapter 459; and

1791 (c) The medication ordered appears on a formulary or meets  
 1792 federal requirements for medication-assisted treatment.

1793 (10) Each licensed service provider that provides  
 1794 medication-assisted treatment must adopt written protocols as  
 1795 specified by the department and in accordance with federally  
 1796 required rules, regulations, or procedures. The protocol shall  
 1797 provide for the supervision of the physician assistant,  
 1798 registered nurse, advanced practice registered nurse  
 1799 ~~practitioner~~, or licensed practical nurse working under the  
 1800 supervision of a physician who is licensed under chapter 458 or

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1801 chapter 459. The protocol must specify how the medication will  
 1802 be used in conjunction with counseling or psychosocial treatment  
 1803 and that the services provided will be included on the treatment  
 1804 plan. The protocol must specify the procedures by which  
 1805 medication-assisted treatment may be administered by the  
 1806 ~~physician assistant, registered nurse, advanced registered nurse~~  
 1807 supervised practitioner, or licensed practical nurse. These  
 1808 protocols shall be signed by the supervising physician and the  
 1809 ~~administering physician assistant, registered nurse, advanced~~  
 1810 ~~registered nurse~~ supervised practitioner, or licensed practical  
 1811 nurse.

1812 Section 33. Paragraph (a) of subsection (2) of section  
 1813 397.501, Florida Statutes, is amended to read:

1814 397.501 Rights of individuals.—Individuals receiving  
 1815 substance abuse services from any service provider are  
 1816 guaranteed protection of the rights specified in this section,  
 1817 unless otherwise expressly provided, and service providers must  
 1818 ensure the protection of such rights.

1819 (2) RIGHT TO NONDISCRIMINATORY SERVICES.—

1820 (a) Service providers may not deny an individual access to  
 1821 substance abuse services solely on the basis of race, gender,  
 1822 ethnicity, age, sexual preference, human immunodeficiency virus  
 1823 status, prior service departures against medical advice,  
 1824 disability, or number of relapse episodes. Service providers may  
 1825 not deny an individual who takes medication prescribed by a

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1826 physician, independent advanced practice registered nurse, or  
 1827 advanced practice registered nurse access to substance abuse  
 1828 services solely on that basis. Service providers who receive  
 1829 state funds to provide substance abuse services may not, if  
 1830 space and sufficient state resources are available, deny access  
 1831 to services based solely on inability to pay.

1832 Section 34. Subsection (8) of section 400.021, Florida  
 1833 Statutes, is amended to read:

1834 400.021 Definitions.—When used in this part, unless the  
 1835 context otherwise requires, the term:

1836 (8) "Geriatric outpatient clinic" means a site for  
 1837 providing outpatient health care to persons 60 years of age or  
 1838 older, which is staffed by a registered nurse, a physician  
 1839 assistant, or a licensed practical nurse under the direct  
 1840 supervision of a registered nurse, independent advanced practice  
 1841 registered nurse, advanced practice registered nurse  
 1842 ~~practitioner~~, physician assistant, or physician.

1843 Section 35. Subsection (3) of section 400.0255, Florida  
 1844 Statutes, is amended to read:

1845 400.0255 Resident transfer or discharge; requirements and  
 1846 procedures; hearings.—

1847 (3) When a discharge or transfer is initiated by the  
 1848 nursing home, the nursing home administrator employed by the  
 1849 nursing home that is discharging or transferring the resident,  
 1850 or an individual employed by the nursing home who is designated

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1851 by the nursing home administrator to act on behalf of the  
 1852 administration, must sign the notice of discharge or transfer.  
 1853 Any notice indicating a medical reason for transfer or discharge  
 1854 must either be signed by the resident's attending physician or  
 1855 the medical director of the facility, or include an attached  
 1856 written order for the discharge or transfer. The notice or the  
 1857 order must be signed by the resident's physician, medical  
 1858 director, treating physician, independent advanced practice  
 1859 registered nurse, advanced practice registered nurse  
 1860 ~~practitioner~~, or physician assistant.

1861 Section 36. Subsection (3) of section 400.172, Florida  
 1862 Statutes, is amended to read:

1863 400.172 Respite care provided in nursing home facilities.-

1864 (3) A prospective respite care resident must provide  
 1865 medical information from a physician, physician assistant,  
 1866 independent advanced practice registered nurse, or advanced  
 1867 practice registered nurse practitioner and any other information  
 1868 provided by the primary caregiver required by the facility  
 1869 before or when the person is admitted to receive respite care.  
 1870 The medical information must include a physician's or an  
 1871 independent advanced practice registered nurse's order for  
 1872 respite care and proof of a physical examination by a licensed  
 1873 physician, physician assistant, independent advanced practice  
 1874 registered nurse, or advanced practice registered nurse  
 1875 ~~practitioner~~. The ~~physician's or~~ order and physical examination

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1876 may be used to provide intermittent respite care for up to 12  
 1877 months after the date the order is written.

1878 Section 37. Subsections (20), (21), (22), (23), (24),  
 1879 (25), (26), (27), (28), and (29) of section 400.462, Florida  
 1880 Statutes, are renumbered as subsections (21), (22), (23), (24),  
 1881 (25), (26), (27), (28), (29), and (30), respectively, subsection  
 1882 (3) is amended in that section, and subsection (20) is added to  
 1883 that section to read:

1884 400.462 Definitions.—As used in this part, the term:

1885 (3) "Advanced practice registered nurse ~~practitioner~~"  
 1886 means a person licensed in this state to practice professional  
 1887 nursing and certified in advanced or specialized nursing  
 1888 practice, as defined in s. 464.003.

1889 (20) "Independent advanced practice registered nurse"  
 1890 means a person licensed in this state to practice professional  
 1891 nursing and registered to practice advanced or specialized  
 1892 nursing independently and without physician supervision or  
 1893 protocol, as defined in s. 464.003.

1894 Section 38. Subsection (2) of section 400.487, Florida  
 1895 Statutes, is amended to read:

1896 400.487 Home health service agreements; physician's,  
 1897 physician assistant's, independent advanced practice registered  
 1898 nurse's, and advanced practice registered nurse's ~~nurse~~  
 1899 ~~practitioner's~~ treatment orders; patient assessment;  
 1900 establishment and review of plan of care; provision of services;

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1901 orders not to resuscitate.—  
 1902 (2) When required by the provisions of chapter 464; part  
 1903 I, part III, or part V of chapter 468; or chapter 486, the  
 1904 attending physician, physician assistant, independent advanced  
 1905 practice registered nurse, or advanced practice registered nurse  
 1906 ~~practitioner~~, acting within his or her respective scope of  
 1907 practice, shall establish treatment orders for a patient who is  
 1908 to receive skilled care. The treatment orders must be signed by  
 1909 the physician, physician assistant, independent advanced  
 1910 practice registered nurse, or advanced practice registered nurse  
 1911 ~~practitioner~~ before a claim for payment for the skilled services  
 1912 is submitted by the home health agency. If the claim is  
 1913 submitted to a managed care organization, the treatment orders  
 1914 must be signed within the time allowed under the provider  
 1915 agreement. The treatment orders shall be reviewed, as frequently  
 1916 as the patient's illness requires, by the physician, physician  
 1917 assistant, independent advanced practice registered nurse, or  
 1918 advanced practice registered nurse ~~practitioner~~ in consultation  
 1919 with the home health agency.

1920 Section 39. Paragraph (a) of subsection (13) of section  
 1921 400.506, Florida Statutes, is amended to read:

1922 400.506 Licensure of nurse registries; requirements;  
 1923 penalties.—

1924 (13) All persons referred for contract in private  
 1925 residences by a nurse registry must comply with the following



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1926 requirements for a plan of treatment:  
 1927 (a) When, in accordance with the privileges and  
 1928 restrictions imposed upon a nurse under part I of chapter 464,  
 1929 the delivery of care to a patient is under the direction or  
 1930 supervision of a physician or when a physician is responsible  
 1931 for the medical care of the patient, a medical plan of treatment  
 1932 must be established for each patient receiving care or treatment  
 1933 provided by a licensed nurse in the home. The original medical  
 1934 plan of treatment must be timely signed by the physician,  
 1935 physician assistant, independent advanced practice registered  
 1936 nurse, or advanced practice registered nurse ~~practitioner~~,  
 1937 acting within his or her respective scope of practice, and  
 1938 reviewed in consultation with the licensed nurse at least every  
 1939 2 months. Any additional order or change in orders must be  
 1940 obtained from, reduced to writing by, and timely signed by, the  
 1941 physician, physician assistant, independent advanced practice  
 1942 registered nurse, or advanced practice registered nurse  
 1943 ~~practitioner and reduced to writing and timely signed by the~~  
 1944 ~~physician, physician assistant, or advanced registered nurse~~  
 1945 ~~practitioner~~. The delivery of care under a medical plan of  
 1946 treatment must be substantiated by the appropriate nursing notes  
 1947 or documentation made by the nurse in compliance with nursing  
 1948 practices established under part I of chapter 464.  
 1949 Section 40. Paragraph (g) of subsection (4) of section  
 1950 400.9905, Florida Statutes, is amended to read:

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1951 400.9905 Definitions.—  
 1952 (4) "Clinic" means an entity where health care services  
 1953 are provided to individuals and which tenders charges for  
 1954 reimbursement for such services, including a mobile clinic and a  
 1955 portable equipment provider. As used in this part, the term does  
 1956 not include and the licensure requirements of this part do not  
 1957 apply to:  
 1958 (g) A sole proprietorship, group practice, partnership, or  
 1959 corporation that provides health care services by licensed  
 1960 health care practitioners under chapter 457, chapter 458,  
 1961 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,  
 1962 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
 1963 chapter 490, chapter 491, or part I, part III, part X, part  
 1964 XIII, or part XIV of chapter 468, s. 464.0125, or s. 464.012,  
 1965 and that is wholly owned by one or more licensed health care  
 1966 practitioners, or the licensed health care practitioners set  
 1967 forth in this paragraph and the spouse, parent, child, or  
 1968 sibling of a licensed health care practitioner if one of the  
 1969 owners who is a licensed health care practitioner is supervising  
 1970 the business activities and is legally responsible for the  
 1971 entity's compliance with all federal and state laws. However, a  
 1972 health care practitioner may not supervise services beyond the  
 1973 scope of the practitioner's license, except that, for the  
 1974 purposes of this part, a clinic owned by a licensee in s.  
 1975 456.053(3)(b) which provides only services authorized pursuant

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1976 to s. 456.053(3)(b) may be supervised by a licensee specified in  
 1977 s. 456.053(3)(b).

1978  
 1979 Notwithstanding this subsection, an entity shall be deemed a  
 1980 clinic and must be licensed under this part in order to receive  
 1981 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.  
 1982 627.730-627.7405, unless exempted under s. 627.736(5)(h).

1983 Section 41. Paragraph (c) of subsection (1) and subsection  
 1984 (2) of section 401.445, Florida Statutes, is amended to read:

1985 401.445 Emergency examination and treatment of  
 1986 incapacitated persons.—

1987 (1) No recovery shall be allowed in any court in this  
 1988 state against any emergency medical technician, paramedic, or  
 1989 physician as defined in this chapter, any independent advanced  
 1990 practice registered nurse registered under s. 464.0125, any  
 1991 advanced practice registered nurse practitioner certified under  
 1992 s. 464.012, or any physician assistant licensed under s. 458.347  
 1993 or s. 459.022, or any person acting under the direct medical  
 1994 supervision of a physician, in an action brought for examining  
 1995 or treating a patient without his or her informed consent if:

1996 (c) The patient would reasonably, under all the  
 1997 surrounding circumstances, undergo such examination, treatment,  
 1998 or procedure if he or she were advised by the emergency medical  
 1999 technician, paramedic, physician, independent advanced practice  
 2000 registered nurse, advanced practice registered nurse

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2001 ~~practitioner~~, or physician assistant in accordance with s.  
 2002 766.103(3).

2003  
 2004 Examination and treatment provided under this subsection shall  
 2005 be limited to reasonable examination of the patient to determine  
 2006 the medical condition of the patient and treatment reasonably  
 2007 necessary to alleviate the emergency medical condition or to  
 2008 stabilize the patient.

2009 (2) In examining and treating a person who is apparently  
 2010 intoxicated, under the influence of drugs, or otherwise  
 2011 incapable of providing informed consent, the emergency medical  
 2012 technician, paramedic, physician, independent advanced practice  
 2013 registered nurse, advanced practice registered nurse  
 2014 ~~practitioner~~, or physician assistant, or any person acting under  
 2015 the direct medical supervision of a physician, shall proceed  
 2016 wherever possible with the consent of the person. If the person  
 2017 reasonably appears to be incapacitated and refuses his or her  
 2018 consent, the person may be examined, treated, or taken to a  
 2019 hospital or other appropriate treatment resource if he or she is  
 2020 in need of emergency attention, without his or her consent, but  
 2021 unreasonable force shall not be used.

2022 Section 42. Subsections (1) and (11) of section 409.905,  
 2023 Florida Statutes, are amended to read:

2024 409.905 Mandatory Medicaid services.—The agency may make  
 2025 payments for the following services, which are required of the

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2026 state by Title XIX of the Social Security Act, furnished by  
 2027 Medicaid providers to recipients who are determined to be  
 2028 eligible on the dates on which the services were provided. Any  
 2029 service under this section shall be provided only when medically  
 2030 necessary and in accordance with state and federal law.  
 2031 Mandatory services rendered by providers in mobile units to  
 2032 Medicaid recipients may be restricted by the agency. Nothing in  
 2033 this section shall be construed to prevent or limit the agency  
 2034 from adjusting fees, reimbursement rates, lengths of stay,  
 2035 number of visits, number of services, or any other adjustments  
 2036 necessary to comply with the availability of moneys and any  
 2037 limitations or directions provided for in the General  
 2038 Appropriations Act or chapter 216.

2039 (1) INDEPENDENT ADVANCED PRACTICE REGISTERED NURSE AND  
 2040 ADVANCED PRACTICE REGISTERED NURSE PRACTITIONER SERVICES.—The  
 2041 agency shall pay for services provided to a recipient by a  
 2042 registered independent advanced practice registered nurse, a  
 2043 certified licensed advanced practice registered nurse  
 2044 ~~practitioner~~ who has a valid collaboration agreement with a  
 2045 licensed physician on file with the Department of Health, or a  
 2046 certified registered nurse anesthetist who provides anesthesia  
 2047 services in accordance with established protocol required by  
 2048 state law and approved by the medical staff of the facility in  
 2049 which the anesthetic service is performed. Reimbursement for  
 2050 such services must be provided in an amount that equals not less

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2051 | than 80 percent of the reimbursement to a physician who provides  
 2052 | the same services, unless otherwise provided for in the General  
 2053 | Appropriations Act.

2054 | (11) RURAL HEALTH CLINIC SERVICES.—The agency shall pay  
 2055 | for outpatient primary health care services for a recipient  
 2056 | provided by a clinic certified by and participating in the  
 2057 | Medicare program which is located in a federally designated,  
 2058 | rural, medically underserved area and has on its staff one or  
 2059 | more certified ~~licensed primary care~~ nurse practitioners or  
 2060 | physician assistants, and a licensed staff supervising  
 2061 | physician, ~~or~~ a consulting supervising physician, or an  
 2062 | independent advanced practice registered nurse.

2063 | Section 43. Paragraph (a) of subsection (3) and subsection  
 2064 | (7) of section 409.908, Florida Statutes, is amended to read:

2065 | 409.908 Reimbursement of Medicaid providers.—Subject to  
 2066 | specific appropriations, the agency shall reimburse Medicaid  
 2067 | providers, in accordance with state and federal law, according  
 2068 | to methodologies set forth in the rules of the agency and in  
 2069 | policy manuals and handbooks incorporated by reference therein.  
 2070 | These methodologies may include fee schedules, reimbursement  
 2071 | methods based on cost reporting, negotiated fees, competitive  
 2072 | bidding pursuant to s. 287.057, and other mechanisms the agency  
 2073 | considers efficient and effective for purchasing services or  
 2074 | goods on behalf of recipients. If a provider is reimbursed based  
 2075 | on cost reporting and submits a cost report late and that cost

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2076 report would have been used to set a lower reimbursement rate  
 2077 for a rate semester, then the provider's rate for that semester  
 2078 shall be retroactively calculated using the new cost report, and  
 2079 full payment at the recalculated rate shall be effected  
 2080 retroactively. Medicare-granted extensions for filing cost  
 2081 reports, if applicable, shall also apply to Medicaid cost  
 2082 reports. Payment for Medicaid compensable services made on  
 2083 behalf of Medicaid eligible persons is subject to the  
 2084 availability of moneys and any limitations or directions  
 2085 provided for in the General Appropriations Act or chapter 216.  
 2086 Further, nothing in this section shall be construed to prevent  
 2087 or limit the agency from adjusting fees, reimbursement rates,  
 2088 lengths of stay, number of visits, or number of services, or  
 2089 making any other adjustments necessary to comply with the  
 2090 availability of moneys and any limitations or directions  
 2091 provided for in the General Appropriations Act, provided the  
 2092 adjustment is consistent with legislative intent.

2093 (3) Subject to any limitations or directions provided for  
 2094 in the General Appropriations Act, the following Medicaid  
 2095 services and goods may be reimbursed on a fee-for-service basis.  
 2096 For each allowable service or goods furnished in accordance with  
 2097 Medicaid rules, policy manuals, handbooks, and state and federal  
 2098 law, the payment shall be the amount billed by the provider, the  
 2099 provider's usual and customary charge, or the maximum allowable  
 2100 fee established by the agency, whichever amount is less, with

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2101 the exception of those services or goods for which the agency  
 2102 makes payment using a methodology based on capitation rates,  
 2103 average costs, or negotiated fees.

2104 (a) Independent advanced practice registered nurse or  
 2105 advanced ~~Advanced practice registered nurse practitioner~~  
 2106 services.

2107 (7) A provider of family planning services shall be  
 2108 reimbursed the lesser of the amount billed by the provider or an  
 2109 all-inclusive amount per type of visit for physicians,  
 2110 independent advanced practice registered nurses, and advanced  
 2111 practice registered nurses ~~nurse-practitioners,~~ as established  
 2112 by the agency in a fee schedule.

2113 Section 44. Subsection (2) of section 409.9081, Florida  
 2114 Statutes, is amended to read:

2115 409.9081 Copayments.—

2116 (2) The agency shall, subject to federal regulations and  
 2117 any directions or limitations provided for in the General  
 2118 Appropriations Act, require copayments for the following  
 2119 additional services: hospital inpatient, laboratory and X-ray  
 2120 services, transportation services, home health care services,  
 2121 community mental health services, rural health services,  
 2122 federally qualified health clinic services, and independent  
 2123 advanced practice registered nurse or advanced practice  
 2124 registered nurse ~~practitioner~~ services. The agency may only  
 2125 establish copayments for prescribed drugs or for any other



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2126 federally authorized service if such copayment is specifically  
 2127 provided for in the General Appropriations Act or other law.

2128 Section 45. Paragraph (a) of subsection (1) of section  
 2129 409.973, Florida Statutes, is amended to read:

2130 409.973 Benefits.—

2131 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a  
 2132 minimum, the following services:

2133 (a) Independent advanced practice registered nurse and  
 2134 advanced ~~Advanced~~ practice registered nurse ~~practitioner~~  
 2135 services.

2136 Section 46. Subsections (2), (4), and (5) of section  
 2137 429.26, Florida Statutes, are amended to read:

2138 429.26 Appropriateness of placements; examinations of  
 2139 residents.—

2140 (2) A physician, physician assistant, independent advanced  
 2141 practice registered nurse, or advanced practice registered nurse  
 2142 ~~practitioner~~ who is employed by an assisted living facility to  
 2143 provide an initial examination for admission purposes may not  
 2144 have financial interest in the facility.

2145 (4) If possible, each resident shall have been examined by  
 2146 a licensed physician, a licensed physician assistant, a  
 2147 registered independent advanced practice registered nurse, or a  
 2148 certified advanced practice registered ~~licensed nurse~~  
 2149 ~~practitioner~~ within 60 days before admission to the facility.

2150 The signed and completed medical examination report shall be

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2151 submitted to the owner or administrator of the facility who  
 2152 shall use the information contained therein to assist in the  
 2153 determination of the appropriateness of the resident's admission  
 2154 and continued stay in the facility. The medical examination  
 2155 report shall become a permanent part of the record of the  
 2156 resident at the facility and shall be made available to the  
 2157 agency during inspection or upon request. An assessment that has  
 2158 been completed through the Comprehensive Assessment and Review  
 2159 for Long-Term Care Services (CARES) Program fulfills the  
 2160 requirements for a medical examination under this subsection and  
 2161 s. 429.07(3)(b)6.

2162 (5) Except as provided in s. 429.07, if a medical  
 2163 examination has not been completed within 60 days before the  
 2164 admission of the resident to the facility, a licensed physician,  
 2165 licensed physician assistant, registered independent advanced  
 2166 practice registered nurse, or certified advanced practice  
 2167 registered licensed nurse practitioner shall examine the  
 2168 resident and complete a medical examination form provided by the  
 2169 agency within 30 days following the admission to the facility to  
 2170 enable the facility owner or administrator to determine the  
 2171 appropriateness of the admission. The medical examination form  
 2172 shall become a permanent part of the record of the resident at  
 2173 the facility and shall be made available to the agency during  
 2174 inspection by the agency or upon request.

2175 Section 47. Paragraph (a) of subsection (2) and paragraph

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2176 (a) of subsection (7) of section 429.918, Florida Statutes, is  
 2177 amended to read:

2178 429.918 Licensure designation as a specialized Alzheimer's  
 2179 services adult day care center.—

2180 (2) As used in this section, the term:

2181 (a) "ADRD participant" means a participant who has a  
 2182 documented diagnosis of Alzheimer's disease or a dementia-  
 2183 related disorder (ADRD) from a licensed physician, licensed  
 2184 physician assistant, registered independent advanced practice  
 2185 registered nurse, or a certified licensed advanced practice  
 2186 registered nurse practitioner.

2187 (7) (a) An ADRD participant admitted to an adult day care  
 2188 center having a license designated under this section, or the  
 2189 caregiver when applicable, must:

2190 1. Require ongoing supervision to maintain the highest  
 2191 level of medical or custodial functioning and have a  
 2192 demonstrated need for a responsible party to oversee his or her  
 2193 care.

2194 2. Not actively demonstrate aggressive behavior that  
 2195 places himself, herself, or others at risk of harm.

2196 3. Provide the following medical documentation signed by a  
 2197 licensed physician, licensed physician assistant, registered  
 2198 independent advanced practice registered nurse, or a certified  
 2199 licensed advanced practice registered nurse practitioner:

2200 a. Any physical, health, or emotional conditions that

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2201 require medical care.

2202       b. A listing of the ADRD participant's current prescribed  
2203 and over-the-counter medications and dosages, diet restrictions,  
2204 mobility restrictions, and other physical limitations.

2205       4. Provide documentation signed by a health care provider  
2206 licensed in this state which indicates that the ADRD participant  
2207 is free of the communicable form of tuberculosis and free of  
2208 signs and symptoms of other communicable diseases.

2209       Section 48. Paragraph (e) of subsection (5) of section  
2210 440.102, Florida Statutes, is amended to read:

2211       440.102 Drug-free workplace program requirements.—The  
2212 following provisions apply to a drug-free workplace program  
2213 implemented pursuant to law or to rules adopted by the Agency  
2214 for Health Care Administration:

2215       (5) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen  
2216 collection and testing for drugs under this section shall be  
2217 performed in accordance with the following procedures:

2218       (e) A specimen for a drug test may be taken or collected  
2219 by any of the following persons:

2220       1. A physician, a physician assistant, an independent  
2221 advanced practice registered nurse, an advanced practice  
2222 registered nurse, a registered ~~professional~~ nurse, a licensed  
2223 practical nurse, or a ~~nurse practitioner~~ or a certified  
2224 paramedic who is present at the scene of an accident for the  
2225 purpose of rendering emergency medical service or treatment.

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2226 2. A qualified person employed by a licensed or certified  
 2227 laboratory as described in subsection (9).

2228 Section 49. Subsection (2) and paragraph (d) of subsection  
 2229 (4) of section 456.0391, Florida Statutes, is amended to read:

2230 456.0391 Advanced practice registered nurses ~~nurse~~  
 2231 ~~practitioners~~; information required for certification.-

2232 (2) The Department of Health shall send a notice to each  
 2233 person certified under s. 464.012 at the certificateholder's  
 2234 last known address of record regarding the requirements for  
 2235 information to be submitted by advanced practice registered  
 2236 nurses ~~nurse-practitioners~~ pursuant to this section in  
 2237 conjunction with the renewal of such certificate.

2238 (4)

2239 (d) Any applicant for initial certification or renewal of  
 2240 certification as an advanced practice registered nurse  
 2241 ~~practitioner~~ who submits to the Department of Health a set of  
 2242 fingerprints and information required for the criminal history  
 2243 check required under this section shall not be required to  
 2244 provide a subsequent set of fingerprints or other duplicate  
 2245 information required for a criminal history check to the Agency  
 2246 for Health Care Administration, the Department of Juvenile  
 2247 Justice, or the Department of Children and Family Services for  
 2248 employment or licensure with such agency or department, if the  
 2249 applicant has undergone a criminal history check as a condition  
 2250 of initial certification or renewal of certification as an

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2251 advanced practice registered nurse ~~practitioner~~ with the  
 2252 Department of Health, notwithstanding any other provision of law  
 2253 to the contrary. In lieu of such duplicate submission, the  
 2254 Agency for Health Care Administration, the Department of  
 2255 Juvenile Justice, and the Department of Children and Family  
 2256 Services shall obtain criminal history information for  
 2257 employment or licensure of persons certified under s. 464.012 by  
 2258 such agency or department from the Department of Health's health  
 2259 care practitioner credentialing system.

2260 Section 50. Subsection (2) of section 456.0392, Florida  
 2261 Statutes, is amended to read:

2262 456.0392 Prescription labeling.—

2263 (2) A prescription for a drug ~~that is not listed as a~~  
 2264 ~~controlled substance in chapter 893 which is~~ written by an  
 2265 advanced practice registered nurse ~~practitioner~~ certified under  
 2266 s. 464.012 is presumed, subject to rebuttal, to be valid and  
 2267 within the parameters of the prescriptive authority delegated by  
 2268 a practitioner licensed under chapter 458, chapter 459, or  
 2269 chapter 466.

2270 Section 51. Paragraph (a) of subsection (1) and subsection  
 2271 (6) of section 456.041, Florida Statutes, is amended to read:

2272 456.041 Practitioner profile; creation.—

2273 (1)(a) The Department of Health shall compile the  
 2274 information submitted pursuant to s. 456.039 into a practitioner  
 2275 profile of the applicant submitting the information, except that

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2276 the Department of Health shall develop a format to compile  
 2277 uniformly any information submitted under s. 456.039(4)(b).  
 2278 Beginning July 1, 2001, the Department of Health may compile the  
 2279 information submitted pursuant to s. 456.0391 into a  
 2280 practitioner profile of the applicant submitting the  
 2281 information. The protocol submitted pursuant to s. 464.012(3)  
 2282 must be included in the practitioner profile of the advanced  
 2283 practice registered nurse ~~practitioner~~.

2284 (6) The Department of Health shall provide in each  
 2285 practitioner profile for every physician or advanced practice  
 2286 registered nurse ~~practitioner~~ terminated for cause from  
 2287 participating in the Medicaid program, pursuant to s. 409.913,  
 2288 or sanctioned by the Medicaid program a statement that the  
 2289 practitioner has been terminated from participating in the  
 2290 Florida Medicaid program or sanctioned by the Medicaid program.

2291 Section 52. Subsection (1) of section 456.048, Florida  
 2292 Statutes, and paragraphs (a), (d), and (e) of subsection (2) are  
 2293 amended to read:

2294 456.048 Financial responsibility requirements for certain  
 2295 health care practitioners.—

2296 (1) As a prerequisite for licensure or license renewal,  
 2297 the Board of Acupuncture, the Board of Chiropractic Medicine,  
 2298 the Board of Podiatric Medicine, and the Board of Dentistry  
 2299 shall, by rule, require that all health care practitioners  
 2300 licensed under the respective board, and the Board of Medicine

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2301 and the Board of Osteopathic Medicine shall, by rule, require  
 2302 that all anesthesiologist assistants licensed pursuant to s.  
 2303 458.3475 or s. 459.023, and the Board of Nursing shall, by rule,  
 2304 require that independent advanced practice registered nurses  
 2305 registered under s. 464.0125 and advanced practice registered  
 2306 nurses ~~nurse-practitioners~~ certified under s. 464.012, and the  
 2307 department shall, by rule, require that midwives maintain  
 2308 medical malpractice insurance or provide proof of financial  
 2309 responsibility in an amount and in a manner determined by the  
 2310 board or department to be sufficient to cover claims arising out  
 2311 of the rendering of or failure to render professional care and  
 2312 services in this state.

2313 (2) The board or department may grant exemptions upon  
 2314 application by practitioners meeting any of the following  
 2315 criteria:

2316 (a) Any person licensed under chapter 457, s. 458.3475, s.  
 2317 459.023, chapter 460, chapter 461, s. 464.012, s. 464.0125,  
 2318 chapter 466, or chapter 467 who practices exclusively as an  
 2319 officer, employee, or agent of the Federal Government or of the  
 2320 state or its agencies or its subdivisions. For the purposes of  
 2321 this subsection, an agent of the state, its agencies, or its  
 2322 subdivisions is a person who is eligible for coverage under any  
 2323 self-insurance or insurance program authorized by the provisions  
 2324 of s. 768.28(16) or who is a volunteer under s. 110.501(1).

2325 (d) Any person licensed or certified under chapter 457, s.



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2326 458.3475, s. 459.023, chapter 460, chapter 461, s. 464.012, s.  
 2327 464.0125, chapter 466, or chapter 467 who practices only in  
 2328 conjunction with his or her teaching duties at an accredited  
 2329 school or in its main teaching hospitals. Such person may engage  
 2330 in the practice of medicine to the extent that such practice is  
 2331 incidental to and a necessary part of duties in connection with  
 2332 the teaching position in the school.

2333 (e) Any person holding an active license or certification  
 2334 under chapter 457, s. 458.3475, s. 459.023, chapter 460, chapter  
 2335 461, s. 464.012, s. 464.0125, chapter 466, or chapter 467 who is  
 2336 not practicing in this state. If such person initiates or  
 2337 resumes practice in this state, he or she must notify the  
 2338 department of such activity.

2339 Section 53. Paragraphs (a), (i), (o), and (r) of  
 2340 subsection (3) and paragraph (g) of subsection (5) of section  
 2341 456.053, Florida Statutes, are amended to read:

2342 456.053 Financial arrangements between referring health  
 2343 care providers and providers of health care services.—

2344 (3) DEFINITIONS.—For the purpose of this section, the  
 2345 word, phrase, or term:

2346 (a) "Board" means any of the following boards relating to  
 2347 the respective professions: the Board of Medicine as created in  
 2348 s. 458.307; the Board of Osteopathic Medicine as created in s.  
 2349 459.004; the Board of Chiropractic Medicine as created in s.  
 2350 460.404; the Board of Podiatric Medicine as created in s.

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2351 461.004; the Board of Optometry as created in s. 463.003; the  
 2352 Board of Pharmacy as created in s. 465.004; ~~and~~ the Board of  
 2353 Dentistry as created in s. 466.004; and the Board of Nursing as  
 2354 created in s. 464.004.

2355 (i) "Health care provider" means any physician licensed  
 2356 under chapter 458, chapter 459, chapter 460, or chapter 461, an  
 2357 independent advanced practice registered nurse registered under  
 2358 s. 464.0125, or any health care provider licensed under chapter  
 2359 463 or chapter 466.

2360 (o) "Referral" means any referral of a patient by a health  
 2361 care provider for health care services, including, without  
 2362 limitation:

2363 1. The forwarding of a patient by a health care provider  
 2364 to another health care provider or to an entity which provides  
 2365 or supplies designated health services or any other health care  
 2366 item or service; or

2367 2. The request or establishment of a plan of care by a  
 2368 health care provider, which includes the provision of designated  
 2369 health services or other health care item or service.

2370 3. The following orders, recommendations, or plans of care  
 2371 shall not constitute a referral by a health care provider:

2372 a. By a radiologist for diagnostic-imaging services.

2373 b. By a physician specializing in the provision of  
 2374 radiation therapy services for such services.

2375 c. By a medical oncologist for drugs and solutions to be

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2376 prepared and administered intravenously to such oncologist's  
 2377 patient, as well as for the supplies and equipment used in  
 2378 connection therewith to treat such patient for cancer and the  
 2379 complications thereof.

2380 d. By a cardiologist for cardiac catheterization services.

2381 e. By a pathologist for diagnostic clinical laboratory  
 2382 tests and pathological examination services, if furnished by or  
 2383 under the supervision of such pathologist pursuant to a  
 2384 consultation requested by another physician.

2385 f. By a health care provider who is the sole provider or  
 2386 member of a group practice for designated health services or  
 2387 other health care items or services that are prescribed or  
 2388 provided solely for such referring health care provider's or  
 2389 group practice's own patients, and that are provided or  
 2390 performed by or under the direct supervision of such referring  
 2391 health care provider or group practice; provided, however, ~~that~~  
 2392 ~~effective July 1, 1999,~~ a physician licensed pursuant to chapter  
 2393 458, chapter 459, chapter 460, or chapter 461 or an independent  
 2394 advanced practice registered nurse registered under s. 464.0125  
 2395 may refer a patient to a sole provider or group practice for  
 2396 diagnostic imaging services, excluding radiation therapy  
 2397 services, for which the sole provider or group practice billed  
 2398 both the technical and the professional fee for or on behalf of  
 2399 the patient, if the referring physician or independent advanced  
 2400 practice registered nurse has no investment interest in the

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2401 practice. The diagnostic imaging service referred to a group  
 2402 practice or sole provider must be a diagnostic imaging service  
 2403 normally provided within the scope of practice to the patients  
 2404 of the group practice or sole provider. The group practice or  
 2405 sole provider may accept no more than 15 percent of their  
 2406 patients receiving diagnostic imaging services from outside  
 2407 referrals, excluding radiation therapy services.

2408 g. By a health care provider for services provided by an  
 2409 ambulatory surgical center licensed under chapter 395.

2410 h. By a urologist for lithotripsy services.

2411 i. By a dentist for dental services performed by an  
 2412 employee of or health care provider who is an independent  
 2413 contractor with the dentist or group practice of which the  
 2414 dentist is a member.

2415 j. By a physician for infusion therapy services to a  
 2416 patient of that physician or a member of that physician's group  
 2417 practice.

2418 k. By a nephrologist for renal dialysis services and  
 2419 supplies, except laboratory services.

2420 l. By a health care provider whose principal professional  
 2421 practice consists of treating patients in their private  
 2422 residences for services to be rendered in such private  
 2423 residences, except for services rendered by a home health agency  
 2424 licensed under chapter 400. For purposes of this sub-  
 2425 subparagraph, the term "private residences" includes patients'

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2426 private homes, independent living centers, and assisted living  
 2427 facilities, but does not include skilled nursing facilities.

2428 m. By a health care provider for sleep-related testing.

2429 (r) "Sole provider" means one health care provider  
 2430 licensed under chapter 458, chapter 459, chapter 460, ~~or~~ chapter  
 2431 461, or s. 464.0125, who maintains a separate medical office and  
 2432 a medical practice separate from any other health care provider  
 2433 and who bills for his or her services separately from the  
 2434 services provided by any other health care provider. A sole  
 2435 provider shall not share overhead expenses or professional  
 2436 income with any other person or group practice.

2437 (5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as  
 2438 provided in this section:

2439 (g) A violation of this section by a health care provider  
 2440 shall constitute grounds for disciplinary action to be taken by  
 2441 the applicable board pursuant to s. 458.331(2), s. 459.015(2),  
 2442 s. 460.413(2), s. 461.013(2), s. 463.016(2), s. 464.018 or s.  
 2443 466.028(2). Any hospital licensed under chapter 395 found in  
 2444 violation of this section shall be subject to s. 395.0185(2).

2445 Section 54. Subsection (7) of section 456.072, Florida  
 2446 Statutes, is amended to read:

2447 456.072 Grounds for discipline; penalties; enforcement.—

2448 (7) Notwithstanding subsection (2), upon a finding that a  
 2449 physician, an independent advanced practice registered nurse, or  
 2450 an advanced practice registered nurse has prescribed or

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2451 dispensed a controlled substance, or caused a controlled  
 2452 substance to be prescribed or dispensed, in a manner that  
 2453 violates the standard of practice set forth in s. 458.331(1)(q)  
 2454 or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o) or (s),  
 2455 464.018(1)(p) or s. 466.028(1)(p) or (x), ~~the physician such~~  
 2456 practitioner shall be suspended for a period of not less than 6  
 2457 months and pay a fine of not less than \$10,000 per count.  
 2458 Repeated violations shall result in increased penalties.

2459 Section 55. Paragraph (a) of subsection (2) and paragraphs  
 2460 (b), (c), (d), (e), (f), and (g) of subsection (3) of section  
 2461 456.44, Florida Statutes, are amended to read:

2462 456.44 Controlled substance prescribing.—

2463 (2) REGISTRATION.—Effective January 1, 2012, a physician  
 2464 licensed under chapter 458, chapter 459, chapter 461, or chapter  
 2465 466, or an independent advanced practice registered nurse  
 2466 registered, or an advanced practice registered nurse certified,  
 2467 under part I of chapter 464, who prescribes any controlled  
 2468 substance, listed in Schedule II, Schedule III, or Schedule IV  
 2469 as defined in s. 893.03, for the treatment of chronic  
 2470 nonmalignant pain, must:

2471 (a) Designate himself or herself as a controlled substance  
 2472 prescribing practitioner on the practitioner's ~~physician's~~  
 2473 ~~practitioner~~ profile.

2474 (3) STANDARDS OF PRACTICE.—The standards of practice in  
 2475 this section do not supersede the level of care, skill, and

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2476 treatment recognized in general law related to health care  
 2477 licensure.

2478 (b) Each registrant must develop a written individualized  
 2479 treatment plan for each patient. The treatment plan shall state  
 2480 objectives that will be used to determine treatment success,  
 2481 such as pain relief and improved physical and psychosocial  
 2482 function, and shall indicate if any further diagnostic  
 2483 evaluations or other treatments are planned. After treatment  
 2484 begins, the practitioner ~~physician~~ shall adjust drug therapy to  
 2485 the individual medical needs of each patient. Other treatment  
 2486 modalities, including a rehabilitation program, shall be  
 2487 considered depending on the etiology of the pain and the extent  
 2488 to which the pain is associated with physical and psychosocial  
 2489 impairment. The interdisciplinary nature of the treatment plan  
 2490 shall be documented.

2491 (c) The practitioner ~~physician~~ shall discuss the risks and  
 2492 benefits of the use of controlled substances, including the  
 2493 risks of abuse and addiction, as well as physical dependence and  
 2494 its consequences, with the patient, persons designated by the  
 2495 patient, or the patient's surrogate or guardian if the patient  
 2496 is incompetent. The practitioner ~~physician~~ shall use a written  
 2497 controlled substance agreement between the practitioner  
 2498 ~~physician~~ and the patient outlining the patient's  
 2499 responsibilities, including, but not limited to:

2500 1. Number and frequency of controlled substance

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2501 prescriptions and refills.

2502 2. Patient compliance and reasons for which drug therapy  
2503 may be discontinued, such as a violation of the agreement.

2504 3. An agreement that controlled substances for the  
2505 treatment of chronic nonmalignant pain shall be prescribed by a  
2506 single treating practitioner ~~physician~~ unless otherwise  
2507 authorized by the treating practitioner ~~physician~~ and documented  
2508 in the medical record.

2509 (d) The patient shall be seen by the practitioner  
2510 ~~physician~~ at regular intervals, not to exceed 3 months, to  
2511 assess the efficacy of treatment, ensure that controlled  
2512 substance therapy remains indicated, evaluate the patient's  
2513 progress toward treatment objectives, consider adverse drug  
2514 effects, and review the etiology of the pain. Continuation or  
2515 modification of therapy shall depend on the practitioner's  
2516 ~~physician's~~ evaluation of the patient's progress. If treatment  
2517 goals are not being achieved, despite medication adjustments,  
2518 the practitioner ~~physician~~ shall reevaluate the appropriateness  
2519 of continued treatment. The practitioner ~~physician~~ shall monitor  
2520 patient compliance in medication usage, related treatment plans,  
2521 controlled substance agreements, and indications of substance  
2522 abuse or diversion at a minimum of 3-month intervals.

2523 (e) The practitioner ~~physician~~ shall refer the patient as  
2524 necessary for additional evaluation and treatment in order to  
2525 achieve treatment objectives. Special attention shall be given



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2526 to those patients who are at risk for misusing their medications  
 2527 and those whose living arrangements pose a risk for medication  
 2528 misuse or diversion. The management of pain in patients with a  
 2529 history of substance abuse or with a comorbid psychiatric  
 2530 disorder requires extra care, monitoring, and documentation and  
 2531 requires consultation with or referral to an addiction medicine  
 2532 specialist or psychiatrist.

2533 (f) A practitioner ~~physician~~ registered under this section  
 2534 must maintain accurate, current, and complete records that are  
 2535 accessible and readily available for review and comply with the  
 2536 requirements of this section, the applicable practice act, and  
 2537 applicable board rules. The medical records must include, but  
 2538 are not limited to:

- 2539 1. The complete medical history and a physical
- 2540 examination, including history of drug abuse or dependence.
- 2541 2. Diagnostic, therapeutic, and laboratory results.
- 2542 3. Evaluations and consultations.
- 2543 4. Treatment objectives.
- 2544 5. Discussion of risks and benefits.
- 2545 6. Treatments.
- 2546 7. Medications, including date, type, dosage, and quantity
- 2547 prescribed.
- 2548 8. Instructions and agreements.
- 2549 9. Periodic reviews.
- 2550 10. Results of any drug testing.

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2551 11. A photocopy of the patient's government-issued photo  
2552 identification.

2553 12. If a written prescription for a controlled substance  
2554 is given to the patient, a duplicate of the prescription.

2555 13. The practitioner's ~~physician's~~ full name presented in  
2556 a legible manner.

2557 (g) Patients with signs or symptoms of substance abuse  
2558 shall be immediately referred to a board-certified pain  
2559 management physician, an addiction medicine specialist, or a  
2560 mental health addiction facility as it pertains to drug abuse or  
2561 addiction unless the practitioner is a physician who is board-  
2562 certified or board-eligible in pain management. Throughout the  
2563 period of time before receiving the consultant's report, a  
2564 prescribing practitioner ~~physician~~ shall clearly and completely  
2565 document medical justification for continued treatment with  
2566 controlled substances and those steps taken to ensure medically  
2567 appropriate use of controlled substances by the patient. Upon  
2568 receipt of the consultant's written report, the prescribing  
2569 practitioner ~~physician~~ shall incorporate the consultant's  
2570 recommendations for continuing, modifying, or discontinuing  
2571 controlled substance therapy. The resulting changes in treatment  
2572 shall be specifically documented in the patient's medical  
2573 record. Evidence or behavioral indications of diversion shall be  
2574 followed by discontinuation of controlled substance therapy, and  
2575 the patient shall be discharged, and all results of testing and

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2576 actions taken by the physician shall be documented in the  
 2577 patient's medical record.

2578  
 2579 This subsection does not apply to a board-eligible or board-  
 2580 certified anesthesiologist, physiatrist, rheumatologist, or  
 2581 neurologist, or to a board-certified physician who has surgical  
 2582 privileges at a hospital or ambulatory surgery center and  
 2583 primarily provides surgical services. This subsection does not  
 2584 apply to a board-eligible or board-certified medical specialist  
 2585 who has also completed a fellowship in pain medicine approved by  
 2586 the Accreditation Council for Graduate Medical Education or the  
 2587 American Osteopathic Association, or who is board eligible or  
 2588 board certified in pain medicine by the American Board of Pain  
 2589 Medicine or a board approved by the American Board of Medical  
 2590 Specialties or the American Osteopathic Association and performs  
 2591 interventional pain procedures of the type routinely billed  
 2592 using surgical codes. This subsection does not apply to a  
 2593 practitioner ~~physician~~, who prescribes medically necessary  
 2594 controlled substances for a patient during an inpatient stay in  
 2595 a hospital licensed under chapter 395.

2596 Section 56. Paragraph (c) of subsection (2) of section  
 2597 458.3265, Florida Statutes, is amended to read:

2598 458.3265 Pain-management clinics.—

2599 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities  
 2600 apply to any physician who provides professional services in a

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2601 pain-management clinic that is required to be registered in  
 2602 subsection (1).

2603 (c) A physician, a physician assistant, an independent  
 2604 advanced practice registered nurse, or an advanced practice  
 2605 registered nurse ~~practitioner~~ must perform a physical  
 2606 examination of a patient on the same day that the physician  
 2607 prescribes a controlled substance to a patient at a pain-  
 2608 management clinic. If the physician prescribes more than a 72-  
 2609 hour dose of controlled substances for the treatment of chronic  
 2610 nonmalignant pain, the physician must document in the patient's  
 2611 record the reason for prescribing that quantity.

2612 Section 57. Paragraph (dd) of subsection (1) of section  
 2613 458.331, Florida Statutes, is amended to read:

2614 458.331 Grounds for disciplinary action; action by the  
 2615 board and department.—

2616 (1) The following acts constitute grounds for denial of a  
 2617 license or disciplinary action, as specified in s. 456.072(2):

2618 (dd) Failing to supervise adequately the activities of  
 2619 those physician assistants, paramedics, emergency medical  
 2620 technicians, advanced practice registered nurses ~~nurse~~  
 2621 ~~practitioners~~, or anesthesiologist assistants acting under the  
 2622 supervision of the physician.

2623 Section 58. Paragraph (a) of subsection (1), subsection  
 2624 (2), and paragraphs (c) and (e) of subsection (4) of section  
 2625 458.348, Florida Statutes, are amended to read:

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2626 458.348 Formal supervisory relationships, standing orders,  
2627 and established protocols; notice; standards.—

2628 (1) NOTICE.—

2629 (a) When a physician enters into a formal supervisory  
2630 relationship or standing orders with an emergency medical  
2631 technician or paramedic licensed pursuant to s. 401.27, which  
2632 relationship or orders contemplate the performance of medical  
2633 acts, or when a physician enters into an established protocol  
2634 with an advanced practice registered nurse ~~practitioner~~, which  
2635 protocol contemplates the performance of medical acts identified  
2636 and approved by the joint committee pursuant to s. 464.003(2) or  
2637 acts set forth in s. 464.012(3) and (4), the physician shall  
2638 submit notice to the board. The notice shall contain a statement  
2639 in substantially the following form:

2640 I, ...(name and professional license number of  
2641 physician)..., of ...(address of physician)... have hereby  
2642 entered into a formal supervisory relationship, standing orders,  
2643 or an established protocol with ...(number of persons)...  
2644 emergency medical technician(s), ...(number of persons)...  
2645 paramedic(s), or ...(number of persons)... advanced practice  
2646 registered nurse(s) ~~nurse practitioner(s)~~.

2647 (2) ESTABLISHMENT OF STANDARDS BY JOINT COMMITTEE.—The  
2648 joint committee created under s. 464.003(2) shall determine  
2649 minimum standards for the content of established protocols

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2650 pursuant to which an advanced practice registered nurse  
 2651 ~~practitioner~~ may perform medical acts identified and approved by  
 2652 the joint committee pursuant to s. 464.003(2) or acts set forth  
 2653 in s. 464.012(3) and (4) and shall determine minimum standards  
 2654 for supervision of such acts by the physician, unless the joint  
 2655 committee determines that any act set forth in s. 464.012(3) or  
 2656 (4) is not a medical act. Such standards shall be based on risk  
 2657 to the patient and acceptable standards of medical care and  
 2658 shall take into account the special problems of medically  
 2659 underserved areas. The standards developed by the joint  
 2660 committee shall be adopted as rules by the Board of Nursing and  
 2661 the Board of Medicine for purposes of carrying out their  
 2662 responsibilities pursuant to part I of chapter 464 and this  
 2663 chapter, respectively, but neither board shall have disciplinary  
 2664 powers over the licensees of the other board.

2665 (4) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—  
 2666 A physician who supervises an advanced practice registered nurse  
 2667 ~~practitioner~~ or physician assistant at a medical office other  
 2668 than the physician's primary practice location, where the  
 2669 advanced practice registered nurse ~~practitioner~~ or physician  
 2670 assistant is not under the onsite supervision of a supervising  
 2671 physician, must comply with the standards set forth in this  
 2672 subsection. For the purpose of this subsection, a physician's  
 2673 "primary practice location" means the address reflected on the  
 2674 physician's profile published pursuant to s. 456.041.

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2675 (c) A physician who supervises an advanced practice  
 2676 registered nurse ~~practitioner~~ or physician assistant at a  
 2677 medical office other than the physician's primary practice  
 2678 location, where the advanced practice registered nurse  
 2679 ~~practitioner~~ or physician assistant is not under the onsite  
 2680 supervision of a supervising physician and the services offered  
 2681 at the office are primarily dermatologic or skin care services,  
 2682 which include aesthetic skin care services other than plastic  
 2683 surgery, must comply with the standards listed in subparagraphs  
 2684 1.-4. Notwithstanding s. 458.347(4)(e)6., a physician  
 2685 supervising a physician assistant pursuant to this paragraph may  
 2686 not be required to review and cosign charts or medical records  
 2687 prepared by such physician assistant.

2688 1. The physician shall submit to the board the addresses  
 2689 of all offices where he or she is supervising an advanced  
 2690 practice registered nurse ~~practitioner~~ or a physician's  
 2691 assistant which are not the physician's primary practice  
 2692 location.

2693 2. The physician must be board certified or board eligible  
 2694 in dermatology or plastic surgery as recognized by the board  
 2695 pursuant to s. 458.3312.

2696 3. All such offices that are not the physician's primary  
 2697 place of practice must be within 25 miles of the physician's  
 2698 primary place of practice or in a county that is contiguous to  
 2699 the county of the physician's primary place of practice.

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2700 However, the distance between any of the offices may not exceed  
 2701 75 miles.

2702 4. The physician may supervise only one office other than  
 2703 the physician's primary place of practice ~~except that until July~~  
 2704 ~~1, 2011, the physician may supervise up to two medical offices~~  
 2705 ~~other than the physician's primary place of practice if the~~  
 2706 ~~addresses of the offices are submitted to the board before July~~  
 2707 ~~1, 2006. Effective July 1, 2011, the physician may supervise~~  
 2708 ~~only one office other than the physician's primary place of~~  
 2709 ~~practice, regardless of when the addresses of the offices were~~  
 2710 ~~submitted to the board.~~

2711 (e) This subsection does not apply to health care services  
 2712 provided in facilities licensed under chapter 395 or in  
 2713 conjunction with a college of medicine, a college of nursing, an  
 2714 accredited graduate medical program, or a nursing education  
 2715 program; not-for-profit, family-planning clinics that are not  
 2716 licensed pursuant to chapter 390; rural and federally qualified  
 2717 health centers; health care services provided in a nursing home  
 2718 licensed under part II of chapter 400, an assisted living  
 2719 facility licensed under part I of chapter 429, a continuing care  
 2720 facility licensed under chapter 651, or a retirement community  
 2721 consisting of independent living units and a licensed nursing  
 2722 home or assisted living facility; anesthesia services provided  
 2723 in accordance with law; health care services provided in a  
 2724 designated rural health clinic; health care services provided to



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2725 persons enrolled in a program designed to maintain elderly  
 2726 persons and persons with disabilities in a home or community-  
 2727 based setting; university primary care student health centers;  
 2728 school health clinics; or health care services provided in  
 2729 federal, state, or local government facilities. Subsection (3)  
 2730 and this subsection do not apply to offices at which the  
 2731 exclusive service being performed is laser hair removal by an  
 2732 advanced practice registered nurse ~~practitioner~~ or physician  
 2733 assistant.

2734 Section 59. Paragraph (c) of subsection (2) of section  
 2735 459.0137, Florida Statutes, is amended to read:

2736 459.0137 Pain-management clinics.—

2737 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities  
 2738 apply to any osteopathic physician who provides professional  
 2739 services in a pain-management clinic that is required to be  
 2740 registered in subsection (1).

2741 (c) An osteopathic physician, a physician assistant, an  
 2742 independent advanced practice registered nurse, or an advanced  
 2743 practice registered nurse ~~practitioner~~ must perform a physical  
 2744 examination of a patient on the same day that the physician  
 2745 prescribes a controlled substance to a patient at a pain-  
 2746 management clinic. If the osteopathic physician prescribes more  
 2747 than a 72-hour dose of controlled substances for the treatment  
 2748 of chronic nonmalignant pain, the osteopathic physician must  
 2749 document in the patient's record the reason for prescribing that

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2750 quantity.

2751 Section 60. Paragraph (hh) of subsection (1) of section  
 2752 459.015, Florida Statutes, is amended to read:

2753 459.015 Grounds for disciplinary action; action by the  
 2754 board and department.—

2755 (1) The following acts constitute grounds for denial of a  
 2756 license or disciplinary action, as specified in s. 456.072(2):

2757 (hh) Failing to supervise adequately the activities of  
 2758 those physician assistants, paramedics, emergency medical  
 2759 technicians, advanced practice registered nurses ~~nurse~~  
 2760 ~~practitioners~~, anesthesiologist assistants, or other persons  
 2761 acting under the supervision of the osteopathic physician.

2762 Section 61. Paragraph (a) of subsection (1) and paragraphs  
 2763 (c) and (e) of subsection (3) of section 459.025, Florida  
 2764 Statutes, are amended to read:

2765 459.025 Formal supervisory relationships, standing orders,  
 2766 and established protocols; notice; standards.—

2767 (1) NOTICE.—

2768 (a) When an osteopathic physician enters into a formal  
 2769 supervisory relationship or standing orders with an emergency  
 2770 medical technician or paramedic licensed pursuant to s. 401.27,  
 2771 which relationship or orders contemplate the performance of  
 2772 medical acts, or when an osteopathic physician enters into an  
 2773 established protocol with an advanced practice registered nurse  
 2774 ~~practitioner~~, which protocol contemplates the performance of

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2775 | medical acts identified and approved by the joint committee  
 2776 | pursuant to s. 464.003(2) or acts set forth in s. 464.012(3) and  
 2777 | (4), the osteopathic physician shall submit notice to the board.  
 2778 | The notice must contain a statement in substantially the  
 2779 | following form:

2780 |       I, ...(name and professional license number of osteopathic  
 2781 | physician)..., of ...(address of osteopathic physician)... have  
 2782 | hereby entered into a formal supervisory relationship, standing  
 2783 | orders, or an established protocol with ...(number of  
 2784 | persons)... emergency medical technician(s), ...(number of  
 2785 | persons)... paramedic(s), or ...(number of persons)... advanced  
 2786 | practice registered nurses ~~nurse practitioner(s)~~.

2787 |       (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—  
 2788 | An osteopathic physician who supervises an advanced practice  
 2789 | registered nurse ~~practitioner~~ or physician assistant at a  
 2790 | medical office other than the osteopathic physician's primary  
 2791 | practice location, where the advanced practice registered nurse  
 2792 | ~~practitioner~~ or physician assistant is not under the onsite  
 2793 | supervision of a supervising osteopathic physician, must comply  
 2794 | with the standards set forth in this subsection. For the purpose  
 2795 | of this subsection, an osteopathic physician's "primary practice  
 2796 | location" means the address reflected on the physician's profile  
 2797 | published pursuant to s. 456.041.

2798 |       (c) An osteopathic physician who supervises an advanced

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2799 | practice registered nurse ~~practitioner~~ or physician assistant at  
 2800 | a medical office other than the osteopathic physician's primary  
 2801 | practice location, where the advanced practice registered nurse  
 2802 | ~~practitioner~~ or physician assistant is not under the onsite  
 2803 | supervision of a supervising osteopathic physician and the  
 2804 | services offered at the office are primarily dermatologic or  
 2805 | skin care services, which include aesthetic skin care services  
 2806 | other than plastic surgery, must comply with the standards  
 2807 | listed in subparagraphs 1.-4. Notwithstanding s.  
 2808 | 459.022(4)(e)6., an osteopathic physician supervising a  
 2809 | physician assistant pursuant to this paragraph may not be  
 2810 | required to review and cosign charts or medical records prepared  
 2811 | by such physician assistant.

2812 |         1. The osteopathic physician shall submit to the Board of  
 2813 | Osteopathic Medicine the addresses of all offices where he or  
 2814 | she is supervising or has a protocol with an advanced practice  
 2815 | registered nurse ~~practitioner~~ or a physician's assistant which  
 2816 | are not the osteopathic physician's primary practice location.

2817 |         2. The osteopathic physician must be board certified or  
 2818 | board eligible in dermatology or plastic surgery as recognized  
 2819 | by the Board of Osteopathic Medicine pursuant to s. 459.0152.

2820 |         3. All such offices that are not the osteopathic  
 2821 | physician's primary place of practice must be within 25 miles of  
 2822 | the osteopathic physician's primary place of practice or in a  
 2823 | county that is contiguous to the county of the osteopathic

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2824 physician's primary place of practice. However, the distance  
 2825 between any of the offices may not exceed 75 miles.

2826 4. The osteopathic physician may supervise only one office  
 2827 other than the osteopathic physician's primary place of practice  
 2828 ~~except that until July 1, 2011, the osteopathic physician may~~  
 2829 ~~supervise up to two medical offices other than the osteopathic~~  
 2830 ~~physician's primary place of practice if the addresses of the~~  
 2831 ~~offices are submitted to the Board of Osteopathic Medicine~~  
 2832 ~~before July 1, 2006. Effective July 1, 2011, the osteopathic~~  
 2833 ~~physician may supervise only one office other than the~~  
 2834 ~~osteopathic physician's primary place of practice, regardless of~~  
 2835 ~~when the addresses of the offices were submitted to the Board of~~  
 2836 ~~Osteopathic Medicine.~~

2837 (e) This subsection does not apply to health care services  
 2838 provided in facilities licensed under chapter 395 or in  
 2839 conjunction with a college of medicine or college of nursing or  
 2840 an accredited graduate medical or nursing education program;  
 2841 offices where the only service being performed is hair removal  
 2842 by an advanced practice registered nurse ~~practitioner~~ or  
 2843 physician assistant; not-for-profit, family-planning clinics  
 2844 that are not licensed pursuant to chapter 390; rural and  
 2845 federally qualified health centers; health care services  
 2846 provided in a nursing home licensed under part II of chapter  
 2847 400, an assisted living facility licensed under part I of  
 2848 chapter 429, a continuing care facility licensed under chapter

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2849 651, or a retirement community consisting of independent living  
 2850 units and either a licensed nursing home or assisted living  
 2851 facility; anesthesia services provided in accordance with law;  
 2852 health care services provided in a designated rural health  
 2853 clinic; health care services provided to persons enrolled in a  
 2854 program designed to maintain elderly persons and persons with  
 2855 disabilities in a home or community-based setting; university  
 2856 primary care student health centers; school health clinics; or  
 2857 health care services provided in federal, state, or local  
 2858 government facilities.

2859 Section 62. Subsection (2) of section 464.004, Florida  
 2860 Statutes, is amended to read:

2861 464.004 Board of Nursing; membership; appointment; terms.—

2862 (2) Seven members of the board must be registered nurses  
 2863 who are residents of this state and who have been engaged in the  
 2864 practice of professional nursing for at least 4 years, including  
 2865 at least one advanced practice registered nurse ~~practitioner~~,  
 2866 one nurse educator member of an approved program, and one nurse  
 2867 executive. These seven board members should be representative of  
 2868 the diverse areas of practice within the nursing profession. In  
 2869 addition, three members of the board must be licensed practical  
 2870 nurses who are residents of this state and who have been  
 2871 actively engaged in the practice of practical nursing for at  
 2872 least 4 years prior to their appointment. The remaining three  
 2873 members must be residents of the state who have never been

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2874 licensed as nurses and who are in no way connected with the  
 2875 practice of nursing. No person may be appointed as a lay member  
 2876 who is in any way connected with, or has any financial interest  
 2877 in, any health care facility, agency, or insurer. At least one  
 2878 member of the board must be 60 years of age or older.

2879 Section 63. Paragraph (a) of subsection (4) of section  
 2880 464.0205, Florida Statutes, is amended to read:

2881 464.0205 Retired volunteer nurse certificate.—

2882 (4) A retired volunteer nurse receiving certification from  
 2883 the board shall:

2884 (a) Work under the direct supervision of the director of a  
 2885 county health department, a physician working under a limited  
 2886 license issued pursuant to s. 458.317 or s. 459.0075, a  
 2887 physician licensed under chapter 458 or chapter 459, an  
 2888 independent advanced practice registered nurse registered under  
 2889 s. 464.0125, an advanced practice registered nurse practitioner  
 2890 certified under s. 464.012, or a registered nurse licensed under  
 2891 s. 464.008 or s. 464.009.

2892 Section 64. Subsection (2) of section 467.003, Florida  
 2893 Statutes, is amended to read:

2894 467.003 Definitions.—As used in this chapter, unless the  
 2895 context otherwise requires:

2896 (2) "Certified nurse midwife" means a person who is  
 2897 certified ~~licensed~~ as an advanced practice registered nurse  
 2898 ~~practitioner~~ under part I of chapter 464 and who is certified to

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2899 practice midwifery by the American College of Nurse Midwives.

2900 Section 65. Paragraph (b) of subsection (1) of section  
2901 480.0475, Florida Statutes, is amended to read:

2902 480.0475 Massage establishments; prohibited practices.—

2903 (1) A person may not operate a massage establishment  
2904 between the hours of midnight and 5 a.m. This subsection does  
2905 not apply to a massage establishment:

2906 (b) In which every massage performed between the hours of  
2907 midnight and 5 a.m. is performed by a massage therapist acting  
2908 under the prescription of a physician or physician assistant  
2909 licensed under chapter 458, an osteopathic physician or  
2910 physician assistant licensed under chapter 459, a chiropractic  
2911 physician licensed under chapter 460, a podiatric physician  
2912 licensed under chapter 461, an independent advanced practice  
2913 registered nurse registered, or an advanced practice registered  
2914 nurse certified, practitioner licensed under part I of chapter  
2915 464, or a dentist licensed under chapter 466; or

2916 Section 66. Subsection (7) of section 483.041, Florida  
2917 Statutes, is amended to read:

2918 483.041 Definitions.—As used in this part, the term:

2919 (7) "Licensed practitioner" means a physician licensed  
2920 under chapter 458, chapter 459, chapter 460, or chapter 461; a  
2921 certified optometrist licensed under chapter 463; a dentist  
2922 licensed under chapter 466; a person licensed under chapter 462;  
2923 ~~or~~ an independent advanced practice registered nurse registered,



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2924 | or an advanced practice registered nurse certified, practitioner  
 2925 | ~~licensed~~ under part I of chapter 464; or a duly licensed  
 2926 | practitioner from another state licensed under similar statutes  
 2927 | who orders examinations on materials or specimens for  
 2928 | nonresidents of the State of Florida, but who reside in the same  
 2929 | state as the requesting licensed practitioner.

2930 |       Section 67. Subsection (5) of section 483.181, Florida  
 2931 | Statutes, is amended to read:

2932 |       483.181 Acceptance, collection, identification, and  
 2933 | examination of specimens.—

2934 |       (5) A clinical laboratory licensed under this part must  
 2935 | accept a human specimen submitted for examination by a  
 2936 | practitioner licensed under chapter 458, chapter 459, chapter  
 2937 | 460, chapter 461, chapter 462, chapter 463, s. 464.012, s.  
 2938 | 464.0125, or chapter 466, if the specimen and test are the type  
 2939 | performed by the clinical laboratory. A clinical laboratory may  
 2940 | only refuse a specimen based upon a history of nonpayment for  
 2941 | services by the practitioner. A clinical laboratory shall not  
 2942 | charge different prices for tests based upon the chapter under  
 2943 | which a practitioner submitting a specimen for testing is  
 2944 | licensed.

2945 |       Section 68. Subsection (5) of section 483.801, Florida  
 2946 | Statutes, is amended to read:

2947 |       483.801 Exemptions.—This part applies to all clinical  
 2948 | laboratories and clinical laboratory personnel within this

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2949 state, except:

2950 (5) Advanced practice registered nurses certified nurse  
 2951 ~~practitioners licensed~~ under part I of chapter 464 who perform  
 2952 provider-performed microscopy procedures (PPMP) in an exclusive-  
 2953 use laboratory setting.

2954 Section 69. Paragraph (a) of subsection (11) of section  
 2955 486.021, Florida Statutes, is amended to read:

2956 486.021 Definitions.—In this chapter, unless the context  
 2957 otherwise requires, the term:

2958 (11) "Practice of physical therapy" means the performance  
 2959 of physical therapy assessments and the treatment of any  
 2960 disability, injury, disease, or other health condition of human  
 2961 beings, or the prevention of such disability, injury, disease,  
 2962 or other condition of health, and rehabilitation as related  
 2963 thereto by the use of the physical, chemical, and other  
 2964 properties of air; electricity; exercise; massage; the  
 2965 performance of acupuncture only upon compliance with the  
 2966 criteria set forth by the Board of Medicine, when no penetration  
 2967 of the skin occurs; the use of radiant energy, including  
 2968 ultraviolet, visible, and infrared rays; ultrasound; water; the  
 2969 use of apparatus and equipment in the application of the  
 2970 foregoing or related thereto; the performance of tests of  
 2971 neuromuscular functions as an aid to the diagnosis or treatment  
 2972 of any human condition; or the performance of electromyography  
 2973 as an aid to the diagnosis of any human condition only upon

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2974 compliance with the criteria set forth by the Board of Medicine.

2975 (a) A physical therapist may implement a plan of treatment  
 2976 developed by the physical therapist for a patient or provided  
 2977 for a patient by a practitioner of record or by an independent  
 2978 advanced practice registered nurse registered under s. 464.0125  
 2979 or an advanced practice registered nurse certified practitioner  
 2980 ~~licensed~~ under s. 464.012. The physical therapist shall refer  
 2981 the patient to or consult with a practitioner of record if the  
 2982 patient's condition is found to be outside the scope of physical  
 2983 therapy. If physical therapy treatment for a patient is required  
 2984 beyond 21 days for a condition not previously assessed by a  
 2985 practitioner of record, the physical therapist shall obtain a  
 2986 practitioner of record who will review and sign the plan. For  
 2987 purposes of this paragraph, a health care practitioner licensed  
 2988 under chapter 458, chapter 459, chapter 460, chapter 461, or  
 2989 chapter 466 and engaged in active practice is eligible to serve  
 2990 as a practitioner of record.

2991 Section 70. Paragraph (d) of subsection (1) of section  
 2992 490.012, Florida Statutes, is amended to read:

2993 490.012 Violations; penalties; injunction.—

2994 (1)

2995 (d) No person shall hold herself or himself out by any  
 2996 title or description incorporating the word, or a permutation of  
 2997 the word, "psychotherapy" unless such person holds a valid,  
 2998 active license under chapter 458, chapter 459, chapter 490, or

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2999 | chapter 491, or such person is registered as an independent  
 3000 | advanced practice registered nurse, pursuant to s. 464.0125, or  
 3001 | certified as an advanced practice registered nurse ~~practitioner,~~  
 3002 | pursuant to s. 464.012, who has been determined by the Board of  
 3003 | Nursing as a specialist in psychiatric mental health.

3004 | Section 71. Subsection (1) of section 491.0057, Florida  
 3005 | Statutes, is amended to read:

3006 | 491.0057 Dual licensure as a marriage and family  
 3007 | therapist.—The department shall license as a marriage and family  
 3008 | therapist any person who demonstrates to the board that he or  
 3009 | she:

3010 | (1) Holds a valid, active license as a psychologist under  
 3011 | chapter 490 or as a clinical social worker or mental health  
 3012 | counselor under this chapter, or is registered as an independent  
 3013 | advanced practice registered nurse, pursuant to s. 464.0125, or  
 3014 | certified under s. 464.012 as an advanced practice registered  
 3015 | nurse, ~~practitioner~~ who has been determined by the Board of  
 3016 | Nursing as a specialist in psychiatric mental health.

3017 | Section 72. Paragraph (d) of subsection (1) and subsection  
 3018 | (2) of section 491.012, Florida Statutes, is amended to read:

3019 | 491.012 Violations; penalty; injunction.—

3020 | (1) It is unlawful and a violation of this chapter for any  
 3021 | person to:

3022 | (d) Use the terms psychotherapist, sex therapist, or  
 3023 | juvenile sexual offender therapist unless such person is

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3024 licensed pursuant to this chapter or chapter 490, or is  
 3025 registered under s. 464.0125 as an independent advanced practice  
 3026 registered nurse or certified under s. 464.012 as an advanced  
 3027 practice registered nurse and practitioner who has been  
 3028 determined by the Board of Nursing to be ~~as~~ a specialist in  
 3029 psychiatric mental health and the use of such terms is within  
 3030 the scope of her or his practice based on education, training,  
 3031 and licensure.

3032 (2) It is unlawful and a violation of this chapter for any  
 3033 person to describe her or his services using the following terms  
 3034 or any derivative thereof, unless such person holds a valid,  
 3035 active license under this chapter or chapter 490, or is  
 3036 registered under s. 464.0125 as an independent advanced practice  
 3037 registered nurse or is certified under s. 464.012 as an advanced  
 3038 practice registered nurse and practitioner who has been  
 3039 determined by the Board of Nursing to be ~~as~~ a specialist in  
 3040 psychiatric mental health and the use of such terms is within  
 3041 the scope of her or his practice based on education, training,  
 3042 and licensure:

- 3043 (a) "Psychotherapy."
- 3044 (b) "Sex therapy."
- 3045 (c) "Sex counseling."
- 3046 (d) "Clinical social work."
- 3047 (e) "Psychiatric social work."
- 3048 (f) "Marriage and family therapy."

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3049 (g) "Marriage and family counseling."

3050 (h) "Marriage counseling."

3051 (i) "Family counseling."

3052 (j) "Mental health counseling."

3053 Section 73. Subsection (2) of section 493.6108, Florida  
3054 Statutes, is amended to read:

3055 493.6108 Investigation of applicants by Department of  
3056 Agriculture and Consumer Services.—

3057 (2) In addition to subsection (1), the department shall  
3058 make an investigation of the general physical fitness of the  
3059 Class "G" applicant to bear a weapon or firearm. Determination  
3060 of physical fitness shall be certified by a physician or  
3061 physician assistant currently licensed pursuant to chapter 458,  
3062 chapter 459, or any similar law of another state or authorized  
3063 to act as a licensed physician by a federal agency or  
3064 department, or by an independent advanced practice registered  
3065 nurse registered, or an advanced practice registered nurse  
3066 certified, practitioner currently licensed pursuant to part I of  
3067 chapter 464. Such certification shall be submitted on a form  
3068 provided by the department.

3069 Section 74. Subsection (1) of section 626.9707, Florida  
3070 Statutes, is amended to read:

3071 626.9707 Disability insurance; discrimination on basis of  
3072 sickle-cell trait prohibited.—

3073 (1) No insurer authorized to transact insurance in this

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3074 state shall refuse to issue and deliver in this state any policy  
 3075 of disability insurance, whether such policy is defined as  
 3076 individual, group, blanket, franchise, industrial, or otherwise,  
 3077 which is currently being issued for delivery in this state and  
 3078 which affords benefits and coverage for any medical treatment or  
 3079 service authorized and permitted to be furnished by a hospital,  
 3080 clinic, health clinic, neighborhood health clinic, health  
 3081 maintenance organization, physician, physician's assistant,  
 3082 independent advanced practice registered nurse, advanced  
 3083 practice registered nurse practitioner, or medical service  
 3084 facility or personnel solely because the person to be insured  
 3085 has the sickle-cell trait.

3086 Section 75. Paragraph (b) of subsection (1) of section  
 3087 627.357, Florida Statutes, is amended to read:

3088 627.357 Medical malpractice self-insurance.—

3089 (1) DEFINITIONS.—As used in this section, the term:

3090 (b) "Health care provider" means any:

3091 1. Hospital licensed under chapter 395.

3092 2. Physician licensed, or physician assistant licensed,  
 3093 under chapter 458.

3094 3. Osteopathic physician or physician assistant licensed  
 3095 under chapter 459.

3096 4. Podiatric physician licensed under chapter 461.

3097 5. Health maintenance organization certificated under part  
 3098 I of chapter 641.

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3099 6. Ambulatory surgical center licensed under chapter 395.

3100 7. Chiropractic physician licensed under chapter 460.

3101 8. Psychologist licensed under chapter 490.

3102 9. Optometrist licensed under chapter 463.

3103 10. Dentist licensed under chapter 466.

3104 11. Pharmacist licensed under chapter 465.

3105 12. Registered nurse, licensed practical nurse,  
 3106 independent advanced practice registered nurse, or advanced  
 3107 practice registered nurse practitioner licensed, registered, or  
 3108 certified ~~registered~~ under part I of chapter 464.

3109 13. Other medical facility.

3110 14. Professional association, partnership, corporation,  
 3111 joint venture, or other association established by the  
 3112 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,  
 3113 10., 11., and 12. for professional activity.

3114 Section 76. Paragraph (a) of subsection (1) of section  
 3115 627.736, Florida Statutes, is amended to read:

3116 627.736 Required personal injury protection benefits;  
 3117 exclusions; priority; claims.—

3118 (1) REQUIRED BENEFITS.—An insurance policy complying with  
 3119 the security requirements of s. 627.733 must provide personal  
 3120 injury protection to the named insured, relatives residing in  
 3121 the same household, persons operating the insured motor vehicle,  
 3122 passengers in the motor vehicle, and other persons struck by the  
 3123 motor vehicle and suffering bodily injury while not an occupant



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3124 of a self-propelled vehicle, subject to subsection (2) and  
 3125 paragraph (4) (e), to a limit of \$10,000 in medical and  
 3126 disability benefits and \$5,000 in death benefits resulting from  
 3127 bodily injury, sickness, disease, or death arising out of the  
 3128 ownership, maintenance, or use of a motor vehicle as follows:

3129 (a) Medical benefits.—Eighty percent of all reasonable  
 3130 expenses for medically necessary medical, surgical, X-ray,  
 3131 dental, and rehabilitative services, including prosthetic  
 3132 devices and medically necessary ambulance, hospital, and nursing  
 3133 services if the individual receives initial services and care  
 3134 pursuant to subparagraph 1. within 14 days after the motor  
 3135 vehicle accident. The medical benefits provide reimbursement  
 3136 only for:

3137 1. Initial services and care that are lawfully provided,  
 3138 supervised, ordered, or prescribed by a physician licensed under  
 3139 chapter 458 or chapter 459, a dentist licensed under chapter  
 3140 466, ~~or~~ a chiropractic physician licensed under chapter 460, an  
 3141 independent advanced practice registered nurse registered under  
 3142 s. 464.0125, or that are provided in a hospital or in a facility  
 3143 that owns, or is wholly owned by, a hospital. Initial services  
 3144 and care may also be provided by a person or entity licensed  
 3145 under part III of chapter 401 which provides emergency  
 3146 transportation and treatment.

3147 2. Upon referral by a provider described in subparagraph  
 3148 1., followup services and care consistent with the underlying

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3149 | medical diagnosis rendered pursuant to subparagraph 1. which may  
 3150 | be provided, supervised, ordered, or prescribed only by a  
 3151 | physician licensed under chapter 458 or chapter 459, a  
 3152 | chiropractic physician licensed under chapter 460, a dentist  
 3153 | licensed under chapter 466, an independent advanced practice  
 3154 | registered nurse registered under s. 464.0125, or, to the extent  
 3155 | permitted by applicable law and under the supervision of such  
 3156 | physician, osteopathic physician, chiropractic physician, ~~or~~  
 3157 | dentist, or independent advanced practice registered nurse  
 3158 | registered under s. 464.0125, by a physician assistant licensed  
 3159 | under chapter 458 or chapter 459 or an advanced practice  
 3160 | registered nurse certified practitioner licensed under part I of  
 3161 | chapter 464. Followup services and care may also be provided by  
 3162 | the following persons or entities:  
 3163 |       a. A hospital or ambulatory surgical center licensed under  
 3164 | chapter 395.  
 3165 |       b. An entity wholly owned by one or more physicians  
 3166 | licensed under chapter 458 or chapter 459, chiropractic  
 3167 | physicians licensed under chapter 460, ~~or~~ dentists licensed  
 3168 | under chapter 466, independent advanced practice registered  
 3169 | nurses registered under s. 464.0125, or by such practitioners  
 3170 | and the spouse, parent, child, or sibling of such practitioners.  
 3171 |       c. An entity that owns or is wholly owned, directly or  
 3172 | indirectly, by a hospital or hospitals.  
 3173 |       d. A physical therapist licensed under chapter 486, based

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3174 upon a referral by a provider described in this subparagraph.  
 3175 e. A health care clinic licensed under part X of chapter  
 3176 400 which is accredited by an accrediting organization whose  
 3177 standards incorporate comparable regulations required by this  
 3178 state, or  
 3179 (I) Has a medical director licensed under chapter 458,  
 3180 chapter 459, or chapter 460;  
 3181 (II) Has been continuously licensed for more than 3 years  
 3182 or is a publicly traded corporation that issues securities  
 3183 traded on an exchange registered with the United States  
 3184 Securities and Exchange Commission as a national securities  
 3185 exchange; and  
 3186 (III) Provides at least four of the following medical  
 3187 specialties:  
 3188 (A) General medicine.  
 3189 (B) Radiography.  
 3190 (C) Orthopedic medicine.  
 3191 (D) Physical medicine.  
 3192 (E) Physical therapy.  
 3193 (F) Physical rehabilitation.  
 3194 (G) Prescribing or dispensing outpatient prescription  
 3195 medication.  
 3196 (H) Laboratory services.  
 3197 3. Reimbursement for services and care provided in  
 3198 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician

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3199 licensed under chapter 458 or chapter 459, a dentist licensed  
 3200 under chapter 466, an independent advanced practice registered  
 3201 nurse registered under s. 464.0125, a physician assistant  
 3202 licensed under chapter 458 or chapter 459, or an advanced  
 3203 practice registered nurse certified ~~practitioner licensed~~ under  
 3204 s. 464.012 ~~chapter 464~~ has determined that the injured person  
 3205 had an emergency medical condition.

3206 4. Reimbursement for services and care provided in  
 3207 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a  
 3208 provider listed in subparagraph 1. or subparagraph 2. determines  
 3209 that the injured person did not have an emergency medical  
 3210 condition.

3211 5. Medical benefits do not include massage as defined in  
 3212 s. 480.033 or acupuncture as defined in s. 457.102, regardless  
 3213 of the person, entity, or licensee providing massage or  
 3214 acupuncture, and a licensed massage therapist or licensed  
 3215 acupuncturist may not be reimbursed for medical benefits under  
 3216 this section.

3217 6. The Financial Services Commission shall adopt by rule  
 3218 the form that must be used by an insurer and a health care  
 3219 provider specified in sub-subparagraph 2.b., sub-subparagraph  
 3220 2.c., or sub-subparagraph 2.e. to document that the health care  
 3221 provider meets the criteria of this paragraph. Such rule must  
 3222 include a requirement for a sworn statement or affidavit.

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3224 Only insurers writing motor vehicle liability insurance in this  
 3225 state may provide the required benefits of this section, and  
 3226 such insurer may not require the purchase of any other motor  
 3227 vehicle coverage other than the purchase of property damage  
 3228 liability coverage as required by s. 627.7275 as a condition for  
 3229 providing such benefits. Insurers may not require that property  
 3230 damage liability insurance in an amount greater than \$10,000 be  
 3231 purchased in conjunction with personal injury protection. Such  
 3232 insurers shall make benefits and required property damage  
 3233 liability insurance coverage available through normal marketing  
 3234 channels. An insurer writing motor vehicle liability insurance  
 3235 in this state who fails to comply with such availability  
 3236 requirement as a general business practice violates part IX of  
 3237 chapter 626, and such violation constitutes an unfair method of  
 3238 competition or an unfair or deceptive act or practice involving  
 3239 the business of insurance. An insurer committing such violation  
 3240 is subject to the penalties provided under that part, as well as  
 3241 those provided elsewhere in the insurance code.

3242 Section 77. Subsection (6) of section 627.6471, Florida  
 3243 Statutes, is amended to read:

3244 627.6471 Contracts for reduced rates of payment;  
 3245 limitations; coinsurance and deductibles.-

3246 (6) If psychotherapeutic services are covered by a policy  
 3247 issued by the insurer, the insurer shall provide eligibility  
 3248 criteria for each group of health care providers licensed under

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3249 chapter 458, chapter 459, chapter 490, or chapter 491, which  
 3250 include psychotherapy within the scope of their practice as  
 3251 provided by law, or for any person who is registered as an  
 3252 independent advanced practice registered nurse under s. 464.0125  
 3253 or certified as an advanced practice registered nurse  
 3254 ~~practitioner in psychiatric mental health~~ under s. 464.012 and  
 3255 who specializes in psychiatric mental health. When  
 3256 psychotherapeutic services are covered, eligibility criteria  
 3257 shall be established by the insurer to be included in the  
 3258 insurer's criteria for selection of network providers. The  
 3259 insurer may not discriminate against a health care provider by  
 3260 excluding such practitioner from its provider network solely on  
 3261 the basis of the practitioner's license.

3262 Section 78. Subsections (15) and (17) of section 627.6472,  
 3263 Florida Statutes, are amended to read:

3264 627.6472 Exclusive provider organizations.—

3265 (15) If psychotherapeutic services are covered by a policy  
 3266 issued by the insurer, the insurer shall provide eligibility  
 3267 criteria for all groups of health care providers licensed under  
 3268 chapter 458, chapter 459, chapter 490, or chapter 491, which  
 3269 include psychotherapy within the scope of their practice as  
 3270 provided by law, or for any person who is registered as an  
 3271 independent advanced practice registered nurse under s.  
 3272 464.0125 or certified as an advanced practice registered nurse  
 3273 ~~practitioner in psychiatric mental health~~ under s. 464.012, who

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3274 specializes in psychiatric mental health. When psychotherapeutic  
 3275 services are covered, eligibility criteria shall be established  
 3276 by the insurer to be included in the insurer's criteria for  
 3277 selection of network providers. The insurer may not discriminate  
 3278 against a health care provider by excluding such practitioner  
 3279 from its provider network solely on the basis of the  
 3280 practitioner's license.

3281 (17) An exclusive provider organization shall not  
 3282 discriminate with respect to participation as to any independent  
 3283 advanced practice registered nurse registered pursuant to s.  
 3284 464.0125 or advanced practice registered nurse practitioner  
 3285 ~~licensed and~~ certified pursuant to s. 464.012, who is acting  
 3286 within the scope of such registration or license and  
 3287 certification, solely on the basis of such ~~license or~~  
 3288 registration or certification. This subsection shall not be  
 3289 construed to prohibit a plan from including providers only to  
 3290 the extent necessary to meet the needs of the plan's enrollees  
 3291 or from establishing any measure designed to maintain quality  
 3292 and control costs consistent with the responsibilities of the  
 3293 plan.

3294 Section 79. Paragraph (e) of subsection (1) of section  
 3295 633.412, Florida Statutes, is amended to read:

3296 633.412 Firefighters; qualifications for certification.—

3297 (1) A person applying for certification as a firefighter  
 3298 must:

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3299 (e) Be in good physical condition as determined by a  
 3300 medical examination given by a physician, surgeon, or physician  
 3301 assistant licensed to practice in the state pursuant to chapter  
 3302 458; an osteopathic physician, surgeon, or physician assistant  
 3303 licensed to practice in the state pursuant to chapter 459; an  
 3304 independent advanced practice registered nurse registered, or an  
 3305 advanced practice registered nurse certified, ~~practitioner~~  
 3306 ~~licensed~~ to practice in the state pursuant to part I of chapter  
 3307 464. Such examination may include, but need not be limited to,  
 3308 the National Fire Protection Association Standard 1582. A  
 3309 medical examination evidencing good physical condition shall be  
 3310 submitted to the division, on a form as provided by rule, before  
 3311 an individual is eligible for admission into a course under s.  
 3312 633.408.

3313 Section 80. Section 641.3923, Florida Statutes, is amended  
 3314 to read:

3315 641.3923 Discrimination against providers prohibited.—A  
 3316 health maintenance organization shall not discriminate with  
 3317 respect to participation as to any independent advanced practice  
 3318 registered nurse registered pursuant to s. 464.0125 or advanced  
 3319 practice registered nurse ~~practitioner licensed and certified~~  
 3320 pursuant to s. 464.012, who is acting within the scope of such  
 3321 ~~license and~~ registration or certification, solely on the basis  
 3322 of such registration or ~~license or~~ certification. This section  
 3323 shall not be construed to prohibit a plan from including



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3324 providers only to the extent necessary to meet the needs of the  
 3325 plan's enrollees or from establishing any measure designed to  
 3326 maintain quality and control costs consistent with the  
 3327 responsibilities of the plan.

3328 Section 81. Subsection (8) of section 641.495, Florida  
 3329 Statutes, is amended to read:

3330 641.495 Requirements for issuance and maintenance of  
 3331 certificate.—

3332 (8) Each organization's contracts, certificates, and  
 3333 subscriber handbooks shall contain a provision, if applicable,  
 3334 disclosing that, for certain types of described medical  
 3335 procedures, services may be provided by physician assistants,  
 3336 independent advanced practice registered nurses, advanced  
 3337 practice registered nurses ~~nurse practitioners~~, or other  
 3338 individuals who are not licensed physicians.

3339 Section 82. Paragraph (a) of subsection (3) of section  
 3340 744.331, Florida Statutes, is amended to read:

3341 744.331 Procedures to determine incapacity.—

3342 (3) EXAMINING COMMITTEE.—

3343 (a) Within 5 days after a petition for determination of  
 3344 incapacity has been filed, the court shall appoint an examining  
 3345 committee consisting of three members. One member must be a  
 3346 psychiatrist or other physician. The remaining members must be  
 3347 either a psychologist, gerontologist, another psychiatrist, or  
 3348 other physician, a registered nurse, an advanced practice

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3349 | registered nurse ~~practitioner~~, a licensed social worker, a  
 3350 | person with an advanced degree in gerontology from an accredited  
 3351 | institution of higher education, or other person who by  
 3352 | knowledge, skill, experience, training, or education may, in the  
 3353 | court's discretion, advise the court in the form of an expert  
 3354 | opinion. One of three members of the committee must have  
 3355 | knowledge of the type of incapacity alleged in the petition.  
 3356 | Unless good cause is shown, the attending or family physician  
 3357 | may not be appointed to the committee. If the attending or  
 3358 | family physician is available for consultation, the committee  
 3359 | must consult with the physician. Members of the examining  
 3360 | committee may not be related to or associated with one another,  
 3361 | with the petitioner, with counsel for the petitioner or the  
 3362 | proposed guardian, or with the person alleged to be totally or  
 3363 | partially incapacitated. A member may not be employed by any  
 3364 | private or governmental agency that has custody of, or  
 3365 | furnishes, services or subsidies, directly or indirectly, to the  
 3366 | person or the family of the person alleged to be incapacitated  
 3367 | or for whom a guardianship is sought. A petitioner may not serve  
 3368 | as a member of the examining committee. Members of the examining  
 3369 | committee must be able to communicate, either directly or  
 3370 | through an interpreter, in the language that the alleged  
 3371 | incapacitated person speaks or to communicate in a medium  
 3372 | understandable to the alleged incapacitated person if she or he  
 3373 | is able to communicate. The clerk of the court shall send notice

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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3374 of the appointment to each person appointed no later than 3 days  
 3375 after the court's appointment.

3376 Section 83. Subsection (1) of section 744.703, Florida  
 3377 Statutes, is amended to read:

3378 744.703 Office of public guardian; appointment,  
 3379 notification.-

3380 (1) The executive director of the Statewide Public  
 3381 Guardianship Office, after consultation with the chief judge and  
 3382 other circuit judges within the judicial circuit and with  
 3383 appropriate advocacy groups and individuals and organizations  
 3384 who are knowledgeable about the needs of incapacitated persons,  
 3385 may establish, within a county in the judicial circuit or within  
 3386 the judicial circuit, one or more offices of public guardian and  
 3387 if so established, shall create a list of persons best qualified  
 3388 to serve as the public guardian, who have been investigated  
 3389 pursuant to s. 744.3135. The public guardian must have knowledge  
 3390 of the legal process and knowledge of social services available  
 3391 to meet the needs of incapacitated persons. The public guardian  
 3392 shall maintain a staff or contract with professionally qualified  
 3393 individuals to carry out the guardianship functions, including  
 3394 an attorney who has experience in probate areas and another  
 3395 person who has a master's degree in social work, or a  
 3396 gerontologist, psychologist, registered nurse, independent  
 3397 advanced practice registered nurse, or advanced practice  
 3398 registered nurse practitioner. A public guardian that is a

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3399 nonprofit corporate guardian under s. 744.309(5) must receive  
 3400 tax-exempt status from the United States Internal Revenue  
 3401 Service.

3402 Section 84. Subsection (6) of section 766.102, Florida  
 3403 Statutes, is amended to read:

3404 766.102 Medical negligence; standards of recovery; expert  
 3405 witness.—

3406 (6) A physician licensed under chapter 458 or chapter 459  
 3407 who qualifies as an expert witness under subsection (5) and who,  
 3408 by reason of active clinical practice or instruction of  
 3409 students, has knowledge of the applicable standard of care for  
 3410 nurses, independent advanced practice registered nurses,  
 3411 advanced practice registered nurses ~~nurse practitioners,~~  
 3412 ~~certified registered nurse anesthetists, certified registered~~  
 3413 ~~nurse midwives,~~ physician assistants, or other medical support  
 3414 staff may give expert testimony in a medical negligence action  
 3415 with respect to the standard of care of such medical support  
 3416 staff.

3417 Section 85. Subsection (3) of section 766.103, Florida  
 3418 Statutes, is amended to read:

3419 766.103 Florida Medical Consent Law.—

3420 (3) No recovery shall be allowed in any court in this  
 3421 state against any physician licensed under chapter 458,  
 3422 osteopathic physician licensed under chapter 459, chiropractic  
 3423 physician licensed under chapter 460, podiatric physician

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3424 licensed under chapter 461, dentist licensed under chapter 466,  
 3425 independent advanced practice registered nurse registered under  
 3426 s. 464.0125, advanced practice registered nurse ~~practitioner~~  
 3427 certified under s. 464.012, or physician assistant licensed  
 3428 under s. 458.347 or s. 459.022 in an action brought for  
 3429 treating, examining, or operating on a patient without his or  
 3430 her informed consent when:

3431 (a)1. The action of the physician, osteopathic physician,  
 3432 chiropractic physician, podiatric physician, dentist,  
 3433 independent advanced practice registered nurse, advanced  
 3434 practice registered nurse ~~practitioner,~~ or physician assistant  
 3435 in obtaining the consent of the patient or another person  
 3436 authorized to give consent for the patient was in accordance  
 3437 with an accepted standard of medical practice among members of  
 3438 the medical profession with similar training and experience in  
 3439 the same or similar medical community as that of the person  
 3440 treating, examining, or operating on the patient for whom the  
 3441 consent is obtained; and

3442 2. A reasonable individual, from the information provided  
 3443 by the physician, osteopathic physician, chiropractic physician,  
 3444 podiatric physician, dentist, independent advanced practice  
 3445 registered nurse, advanced practice registered nurse  
 3446 ~~practitioner,~~ or physician assistant, under the circumstances,  
 3447 would have a general understanding of the procedure, the  
 3448 medically acceptable alternative procedures or treatments, and

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3449 | the substantial risks and hazards inherent in the proposed  
 3450 | treatment or procedures, which are recognized among other  
 3451 | physicians, osteopathic physicians, chiropractic physicians,  
 3452 | podiatric physicians, or dentists in the same or similar  
 3453 | community who perform similar treatments or procedures; or

3454 |       (b) The patient would reasonably, under all the  
 3455 | surrounding circumstances, have undergone such treatment or  
 3456 | procedure had he or she been advised by the physician,  
 3457 | osteopathic physician, chiropractic physician, podiatric  
 3458 | physician, dentist, independent advanced practice registered  
 3459 | nurse, advanced practice registered nurse ~~practitioner~~, or  
 3460 | physician assistant in accordance with the provisions of  
 3461 | paragraph (a).

3462 |       Section 86. Paragraph (d) of subsection (3) of section  
 3463 | 766.1115, Florida Statutes, is amended to read:

3464 |       766.1115 Health care providers; creation of agency  
 3465 | relationship with governmental contractors.—

3466 |       (3) DEFINITIONS.—As used in this section, the term:

3467 |       (d) "Health care provider" or "provider" means:

- 3468 |       1. A birth center licensed under chapter 383.
- 3469 |       2. An ambulatory surgical center licensed under chapter  
 3470 | 395.
- 3471 |       3. A hospital licensed under chapter 395.
- 3472 |       4. A physician or physician assistant licensed under  
 3473 | chapter 458.

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- 3474 5. An osteopathic physician or osteopathic physician  
 3475 assistant licensed under chapter 459.
- 3476 6. A chiropractic physician licensed under chapter 460.
- 3477 7. A podiatric physician licensed under chapter 461.
- 3478 8. A registered nurse, ~~nurse midwife,~~ licensed practical  
 3479 nurse, independent advanced practice registered nurse, or  
 3480 advanced practice registered nurse ~~practitioner~~ licensed,  
 3481 registered, or certified ~~registered~~ under part I of chapter 464  
 3482 or any facility which employs nurses licensed, registered, or  
 3483 certified ~~registered~~ under part I of chapter 464 to supply all  
 3484 or part of the care delivered under this section.
- 3485 9. A midwife licensed under chapter 467.
- 3486 10. A health maintenance organization certificated under  
 3487 part I of chapter 641.
- 3488 11. A health care professional association and its  
 3489 employees or a corporate medical group and its employees.
- 3490 12. Any other medical facility the primary purpose of  
 3491 which is to deliver human medical diagnostic services or which  
 3492 delivers nonsurgical human medical treatment, and which includes  
 3493 an office maintained by a provider.
- 3494 13. A dentist or dental hygienist licensed under chapter  
 3495 466.
- 3496 14. A free clinic that delivers only medical diagnostic  
 3497 services or nonsurgical medical treatment free of charge to all  
 3498 low-income recipients.

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3499 15. Any other health care professional, practitioner,  
 3500 provider, or facility under contract with a governmental  
 3501 contractor, including a student enrolled in an accredited  
 3502 program that prepares the student for licensure as any one of  
 3503 the professionals listed in subparagraphs 4.-9.

3504  
 3505 The term includes any nonprofit corporation qualified as exempt  
 3506 from federal income taxation under s. 501(a) of the Internal  
 3507 Revenue Code, and described in s. 501(c) of the Internal Revenue  
 3508 Code, which delivers health care services provided by licensed  
 3509 professionals listed in this paragraph, any federally funded  
 3510 community health center, and any volunteer corporation or  
 3511 volunteer health care provider that delivers health care  
 3512 services.

3513 Section 87. Subsection (1) of section 766.1116, Florida  
 3514 Statutes, is amended to read:

3515 766.1116 Health care practitioner; waiver of license  
 3516 renewal fees and continuing education requirements.—

3517 (1) As used in this section, the term "health care  
 3518 practitioner" means a physician or physician assistant licensed  
 3519 under chapter 458; an osteopathic physician or physician  
 3520 assistant licensed under chapter 459; a chiropractic physician  
 3521 licensed under chapter 460; a podiatric physician licensed under  
 3522 chapter 461; an independent advanced practice registered nurse,  
 3523 an advanced practice registered nurse ~~practitioner~~, registered



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3524 nurse, or licensed practical nurse licensed, registered, or  
 3525 certified under part I of chapter 464; a dentist or dental  
 3526 hygienist licensed under chapter 466; or a midwife licensed  
 3527 under chapter 467, who participates as a health care provider  
 3528 under s. 766.1115.

3529 Section 88. Paragraph (c) of subsection (1) of section  
 3530 766.118, Florida Statutes, is amended to read:

3531 766.118 Determination of noneconomic damages.—

3532 (1) DEFINITIONS.—As used in this section, the term:

3533 (c) "Practitioner" means any person licensed under chapter  
 3534 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter  
 3535 463, chapter 466, chapter 467, or chapter 486, registered under  
 3536 s. 464.0125, or certified under s. 464.012. "Practitioner" also  
 3537 means any association, corporation, firm, partnership, or other  
 3538 business entity under which such practitioner practices or any  
 3539 employee of such practitioner or entity acting in the scope of  
 3540 his or her employment. For the purpose of determining the  
 3541 limitations on noneconomic damages set forth in this section,  
 3542 the term "practitioner" includes any person or entity for whom a  
 3543 practitioner is vicariously liable and any person or entity  
 3544 whose liability is based solely on such person or entity being  
 3545 vicariously liable for the actions of a practitioner.

3546 Section 89. Subsection (3) of section 768.135, Florida  
 3547 Statutes, is amended to read:

3548 768.135 Volunteer team practitioners ~~physicians~~;

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3549 immunity.-

3550 (3) A practitioner licensed under chapter 458, chapter  
 3551 459, chapter 460, s. 464.0125, or s. 464.012 who gratuitously  
 3552 and in good faith conducts an evaluation pursuant to s.  
 3553 1006.20(2)(c) is not liable for any civil damages arising from  
 3554 that evaluation unless the evaluation was conducted in a  
 3555 wrongful manner.

3556 Section 90. Subsection (4) of section 782.071, Florida  
 3557 Statutes, is amended to read:

3558 782.071 Vehicular homicide.-"Vehicular homicide" is the  
 3559 killing of a human being, or the killing of a viable fetus by  
 3560 any injury to the mother, caused by the operation of a motor  
 3561 vehicle by another in a reckless manner likely to cause the  
 3562 death of, or great bodily harm to, another.

3563 (4) In addition to any other punishment, the court may  
 3564 order the person to serve 120 community service hours in a  
 3565 trauma center or hospital that regularly receives victims of  
 3566 vehicle accidents, under the supervision of an independent  
 3567 advanced practice registered nurse, an advanced practice  
 3568 registered nurse, registered nurse, an emergency room physician,  
 3569 or an emergency medical technician pursuant to a voluntary  
 3570 community service program operated by the trauma center or  
 3571 hospital.

3572 Section 91. Subsection (5) of section 794.08, Florida  
 3573 Statutes, is amended to read:

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3574 794.08 Female genital mutilation.—  
 3575 (5) This section does not apply to procedures performed by  
 3576 or under the direction of a physician licensed under chapter  
 3577 458;~~;~~ an osteopathic physician licensed under chapter 459;~~;~~ a  
 3578 registered nurse ~~licensed under part I of chapter 464~~, a  
 3579 practical nurse ~~licensed under part I of chapter 464~~, an  
 3580 independent advanced practice registered nurse, or an advanced  
 3581 practice registered nurse licensed, registered, or certified  
 3582 ~~practitioner licensed~~ under part I of chapter 464;~~;~~ a midwife  
 3583 licensed under chapter 467;~~;~~ or a physician assistant licensed  
 3584 under chapter 458 or chapter 459, when necessary to preserve the  
 3585 physical health of a female person. This section also does not  
 3586 apply to any autopsy or limited dissection conducted pursuant to  
 3587 chapter 406.

3588 Section 92. Subsection (21) of section 893.02, Florida  
 3589 Statutes, is amended to read:

3590 893.02 Definitions.—The following words and phrases as  
 3591 used in this chapter shall have the following meanings, unless  
 3592 the context otherwise requires:

3593 (21) "Practitioner" means a physician licensed pursuant to  
 3594 chapter 458, a dentist licensed pursuant to chapter 466, a  
 3595 veterinarian licensed pursuant to chapter 474, an osteopathic  
 3596 physician licensed pursuant to chapter 459, a naturopath  
 3597 licensed pursuant to chapter 462, a certified optometrist  
 3598 licensed pursuant to chapter 463, an independent advanced

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3599 | practice registered nurse registered pursuant to s. 464.0125, an  
 3600 | advanced practice registered nurse certified pursuant to s.  
 3601 | 464.012, or a podiatric physician licensed pursuant to chapter  
 3602 | 461, provided such practitioner holds a valid federal controlled  
 3603 | substance registry number.

3604 | Section 93. Subsection (6) of section 943.13, Florida  
 3605 | Statutes, is amended to read:

3606 | 943.13 Officers' minimum qualifications for employment or  
 3607 | appointment.—On or after October 1, 1984, any person employed or  
 3608 | appointed as a full-time, part-time, or auxiliary law  
 3609 | enforcement officer or correctional officer; on or after October  
 3610 | 1, 1986, any person employed as a full-time, part-time, or  
 3611 | auxiliary correctional probation officer; and on or after  
 3612 | October 1, 1986, any person employed as a full-time, part-time,  
 3613 | or auxiliary correctional officer by a private entity under  
 3614 | contract to the Department of Corrections, to a county  
 3615 | commission, or to the Department of Management Services shall:

3616 | (6) Have passed a physical examination by a licensed  
 3617 | physician, physician assistant, independent advanced practice  
 3618 | registered nurse, or certified advanced practice registered  
 3619 | nurse ~~practitioner,~~ based on specifications established by the  
 3620 | commission. In order to be eligible for the presumption set  
 3621 | forth in s. 112.18 while employed with an employing agency, a  
 3622 | law enforcement officer, correctional officer, or correctional  
 3623 | probation officer must have successfully passed the physical

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3624 examination required by this subsection upon entering into  
 3625 service as a law enforcement officer, correctional officer, or  
 3626 correctional probation officer with the employing agency, which  
 3627 examination must have failed to reveal any evidence of  
 3628 tuberculosis, heart disease, or hypertension. A law enforcement  
 3629 officer, correctional officer, or correctional probation officer  
 3630 may not use a physical examination from a former employing  
 3631 agency for purposes of claiming the presumption set forth in s.  
 3632 112.18 against the current employing agency.

3633 Section 94. Subsection (2) of section 945.603, Florida  
 3634 Statutes, is amended to read:

3635 945.603 Powers and duties of authority.—The purpose of the  
 3636 authority is to assist in the delivery of health care services  
 3637 for inmates in the Department of Corrections by advising the  
 3638 Secretary of Corrections on the professional conduct of primary,  
 3639 convalescent, dental, and mental health care and the management  
 3640 of costs consistent with quality care, by advising the Governor  
 3641 and the Legislature on the status of the Department of  
 3642 Corrections' health care delivery system, and by assuring that  
 3643 adequate standards of physical and mental health care for  
 3644 inmates are maintained at all Department of Corrections  
 3645 institutions. For this purpose, the authority has the authority  
 3646 to:

3647 (2) Review and make recommendations regarding health care  
 3648 for the delivery of health care services including, but not

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3649 limited to, acute hospital-based services and facilities,  
 3650 primary and tertiary care services, ancillary and clinical  
 3651 services, dental services, mental health services, intake and  
 3652 screening services, medical transportation services, and the use  
 3653 of advanced practice registered nurses ~~nurse practitioner~~ and  
 3654 physician assistants ~~assistant personnel~~ to act as physician  
 3655 extenders as these relate to inmates in the Department of  
 3656 Corrections.

3657 Section 95. Paragraph (i) of subsection (3) of section  
 3658 1002.20, Florida Statutes, is amended to read:

3659 1002.20 K-12 student and parent rights.—Parents of public  
 3660 school students must receive accurate and timely information  
 3661 regarding their child's academic progress and must be informed  
 3662 of ways they can help their child to succeed in school. K-12  
 3663 students and their parents are afforded numerous statutory  
 3664 rights including, but not limited to, the following:

3665 (3) HEALTH ISSUES.—

3666 (i) Epinephrine use and supply.—

3667 1. A student who has experienced or is at risk for life-  
 3668 threatening allergic reactions may carry an epinephrine auto-  
 3669 injector and self-administer epinephrine by auto-injector while  
 3670 in school, participating in school-sponsored activities, or in  
 3671 transit to or from school or school-sponsored activities if the  
 3672 school has been provided with parental and physician  
 3673 authorization. The State Board of Education, in cooperation with

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3674 the Department of Health, shall adopt rules for such use of  
 3675 epinephrine auto-injectors that shall include provisions to  
 3676 protect the safety of all students from the misuse or abuse of  
 3677 auto-injectors. A school district, county health department,  
 3678 public-private partner, and their employees and volunteers shall  
 3679 be indemnified by the parent of a student authorized to carry an  
 3680 epinephrine auto-injector for any and all liability with respect  
 3681 to the student's use of an epinephrine auto-injector pursuant to  
 3682 this paragraph.

3683 2. A public school may purchase from a wholesale  
 3684 distributor as defined in s. 499.003 and maintain in a locked,  
 3685 secure location on its premises a supply of epinephrine auto-  
 3686 injectors for use if a student is having an anaphylactic  
 3687 reaction. The participating school district shall adopt a  
 3688 protocol developed by a licensed physician for the  
 3689 administration by school personnel who are trained to recognize  
 3690 an anaphylactic reaction and to administer an epinephrine auto-  
 3691 injection. The supply of epinephrine auto-injectors may be  
 3692 provided to and used by a student authorized to self-administer  
 3693 epinephrine by auto-injector under subparagraph 1. or trained  
 3694 school personnel.

3695 3. The school district and its employees and agents,  
 3696 including the physician who provides the standing protocol for  
 3697 school epinephrine auto-injectors, are not liable for any injury  
 3698 arising from the use of an epinephrine auto-injector

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3699 administered by trained school personnel who follow the adopted  
 3700 protocol and whose professional opinion is that the student is  
 3701 having an anaphylactic reaction:

3702 a. Unless the trained school personnel's action is willful  
 3703 and wanton;

3704 b. Notwithstanding that the parents or guardians of the  
 3705 student to whom the epinephrine is administered have not been  
 3706 provided notice or have not signed a statement acknowledging  
 3707 that the school district is not liable; and

3708 c. Regardless of whether authorization has been given by  
 3709 the student's parents or guardians or by the student's  
 3710 physician, a physician ~~physician's~~ assistant, an independent  
 3711 advanced practice registered nurse, or an advanced practice  
 3712 registered nurse ~~practitioner~~.

3713 Section 96. Paragraph (b) of subsection (17) of section  
 3714 1002.42, Florida Statutes, is amended to read:

3715 1002.42 Private schools.—

3716 (17) EPINEPHRINE SUPPLY.—

3717 (b) The private school and its employees and agents,  
 3718 including the physician who provides the standing protocol for  
 3719 school epinephrine auto-injectors, are not liable for any injury  
 3720 arising from the use of an epinephrine auto-injector  
 3721 administered by trained school personnel who follow the adopted  
 3722 protocol and whose professional opinion is that the student is  
 3723 having an anaphylactic reaction:



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3724 1. Unless the trained school personnel's action is willful  
3725 and wanton;

3726 2. Notwithstanding that the parents or guardians of the  
3727 student to whom the epinephrine is administered have not been  
3728 provided notice or have not signed a statement acknowledging  
3729 that the school district is not liable; and

3730 3. Regardless of whether authorization has been given by  
3731 the student's parents or guardians or by the student's  
3732 physician, a physician ~~physician's assistant~~, an independent  
3733 advanced practice registered nurse, or an advanced practice  
3734 registered nurse practitioner.

3735 Section 97. Subsections (4) and (5) of section 1006.062,  
3736 Florida Statutes, are amended to read:

3737 1006.062 Administration of medication and provision of  
3738 medical services by district school board personnel.—

3739 (4) Nonmedical assistive personnel shall be allowed to  
3740 perform health-related services upon successful completion of  
3741 child-specific training by a registered nurse, an independent  
3742 advanced practice registered nurse, or an advanced practice  
3743 registered nurse practitioner licensed, registered, or certified  
3744 under part I of chapter 464, a physician licensed pursuant to  
3745 chapter 458 or chapter 459, or a physician assistant licensed  
3746 pursuant to chapter 458 or chapter 459. All procedures shall be  
3747 monitored periodically by a nurse, an independent advanced  
3748 practice registered nurse, an advanced practice registered nurse

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3749 ~~practitioner~~, a physician assistant, or a physician, including,  
 3750 but not limited to:  
 3751 (a) Intermittent clean catheterization.  
 3752 (b) Gastrostomy tube feeding.  
 3753 (c) Monitoring blood glucose.  
 3754 (d) Administering emergency injectable medication.  
 3755 (5) For all other invasive medical services not listed in  
 3756 this subsection, a registered nurse, an independent advanced  
 3757 practice registered nurse, or advanced practice registered nurse  
 3758 ~~practitioner~~ licensed, registered, or certified under part I of  
 3759 chapter 464, a physician licensed pursuant to chapter 458 or  
 3760 chapter 459, or a physician assistant licensed pursuant to  
 3761 chapter 458 or chapter 459 shall determine if nonmedical  
 3762 district school board personnel shall be allowed to perform such  
 3763 service.

3764 Section 98. Paragraph (c) of subsection (2) of section  
 3765 1006.20, Florida Statutes, is amended to read:  
 3766 1006.20 Athletics in public K-12 schools.—  
 3767 (2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—  
 3768 (c) The FHSAA shall adopt bylaws that require all students  
 3769 participating in interscholastic athletic competition or who are  
 3770 candidates for an interscholastic athletic team to  
 3771 satisfactorily pass a medical evaluation each year prior to  
 3772 participating in interscholastic athletic competition or  
 3773 engaging in any practice, tryout, workout, or other physical

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3774 activity associated with the student's candidacy for an  
 3775 interscholastic athletic team. Such medical evaluation may be  
 3776 administered only by a practitioner licensed under chapter 458,  
 3777 chapter 459, chapter 460, s. 464.0125, or s. 464.012, and in  
 3778 good standing with the practitioner's regulatory board. The  
 3779 bylaws shall establish requirements for eliciting a student's  
 3780 medical history and performing the medical evaluation required  
 3781 under this paragraph, which shall include a physical assessment  
 3782 of the student's physical capabilities to participate in  
 3783 interscholastic athletic competition as contained in a uniform  
 3784 preparticipation physical evaluation and history form. The  
 3785 evaluation form shall incorporate the recommendations of the  
 3786 American Heart Association for participation cardiovascular  
 3787 screening and shall provide a place for the signature of the  
 3788 practitioner performing the evaluation with an attestation that  
 3789 each examination procedure listed on the form was performed by  
 3790 the practitioner or by someone under the direct supervision of  
 3791 the practitioner. The form shall also contain a place for the  
 3792 practitioner to indicate if a referral to another practitioner  
 3793 was made in lieu of completion of a certain examination  
 3794 procedure. The form shall provide a place for the practitioner  
 3795 to whom the student was referred to complete the remaining  
 3796 sections and attest to that portion of the examination. The  
 3797 preparticipation physical evaluation form shall advise students  
 3798 to complete a cardiovascular assessment and shall include

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3799 information concerning alternative cardiovascular evaluation and  
 3800 diagnostic tests. Results of such medical evaluation must be  
 3801 provided to the school. No student shall be eligible to  
 3802 participate in any interscholastic athletic competition or  
 3803 engage in any practice, tryout, workout, or other physical  
 3804 activity associated with the student's candidacy for an  
 3805 interscholastic athletic team until the results of the medical  
 3806 evaluation have been received and approved by the school.

3807 Section 99. Subsection (1) and paragraph (a) of subsection  
 3808 (2) of section 1009.65, Florida Statutes, is amended to read:

3809 1009.65 Medical Education Reimbursement and Loan Repayment  
 3810 Program.—

3811 (1) To encourage qualified medical professionals to  
 3812 practice in underserved locations where there are shortages of  
 3813 such personnel, there is established the Medical Education  
 3814 Reimbursement and Loan Repayment Program. The function of the  
 3815 program is to make payments that offset loans and educational  
 3816 expenses incurred by students for studies leading to a medical  
 3817 or nursing degree, medical or nursing licensure, or advanced  
 3818 practice registered nurse ~~practitioner~~ certification or  
 3819 physician assistant licensure. The following licensed or  
 3820 certified health care professionals are eligible to participate  
 3821 in this program: medical doctors with primary care specialties,  
 3822 doctors of osteopathic medicine with primary care specialties,  
 3823 physician's assistants, licensed practical nurses and registered

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3824 nurses, and advanced practice registered nurses ~~nurse~~  
 3825 ~~practitioners~~ with primary care specialties such as certified  
 3826 nurse midwives. Primary care medical specialties for physicians  
 3827 include obstetrics, gynecology, general and family practice,  
 3828 internal medicine, pediatrics, and other specialties which may  
 3829 be identified by the Department of Health.

3830 (2) From the funds available, the Department of Health  
 3831 shall make payments to selected medical professionals as  
 3832 follows:

3833 (a) Up to \$4,000 per year for licensed practical nurses  
 3834 and registered nurses, up to \$10,000 per year for advanced  
 3835 practice registered nurses ~~nurse-practitioners~~ and physician's  
 3836 assistants, and up to \$20,000 per year for physicians. Penalties  
 3837 for noncompliance shall be the same as those in the National  
 3838 Health Services Corps Loan Repayment Program. Educational  
 3839 expenses include costs for tuition, matriculation, registration,  
 3840 books, laboratory and other fees, other educational costs, and  
 3841 reasonable living expenses as determined by the Department of  
 3842 Health.

3843 Section 100. Subsection (2) of section 1009.66, Florida  
 3844 Statutes, is amended to read:

3845 1009.66 Nursing Student Loan Forgiveness Program.—

3846 (2) To be eligible, a candidate must have graduated from  
 3847 an accredited or approved nursing program and have received a  
 3848 Florida license as a licensed practical nurse or a registered

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3849 nurse or a Florida certificate as an advanced practice  
 3850 registered nurse ~~practitioner~~.

3851 Section 101. Subsection (3) of section 1009.67, Florida  
 3852 Statutes, is amended to read:

3853 1009.67 Nursing scholarship program.—

3854 (3) A scholarship may be awarded for no more than 2 years,  
 3855 in an amount not to exceed \$8,000 per year. However, registered  
 3856 nurses pursuing a graduate degree for a faculty position or to  
 3857 practice as an advanced practice registered nurse ~~practitioner~~  
 3858 may receive up to \$12,000 per year. These amounts shall be  
 3859 adjusted by the amount of increase or decrease in the Consumer  
 3860 Price Index for All Urban Consumers published by the United  
 3861 States Department of Commerce.

3862 Section 102. This act shall take effect July 1, 2014.