

THE FLORIDA SENATE
2020 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/CS/HB 713 — Health Regulation

by Health and Human Services Committee; Health Care Appropriations Subcommittee; Health Quality Subcommittee; and Rep. Rodriguez, A.M. (CS/CS/CS/SB 230 by Rules Committee; Appropriations Committee; Health Policy Committee; and Senator Harrell)

The bill makes numerous updates and changes to programs and health care professions regulated under the Department of Health (DOH) or the Agency for Health Care Administration (AHCA). The bill:

- Provides that the statewide medical director for child protection reports directly to the DOH's deputy secretary in charge of the state's Children's Medical Services Program and the medical director of each child protection teams reports directly to the statewide medical director;
- Substitutes the term "human immunodeficiency virus" (HIV) in place of "acquired immune deficiency syndrome" (AIDS) to authorize the DOH to broaden the scope of the its regional patient care networks for persons with AIDS to also include persons with HIV;
- Grants rulemaking authority to the DOH for responsibilities relating to maximizing the use of existing programs and coordinating stakeholders and resources to develop a state strategic plan, including the process of selecting physicians under the Conrad 30 Waiver Program, and to encourage qualified physicians to relocate to Florida and practice in medically underserved and rural areas;
- Increases the period of time that certain cancer centers may continue to participate in the Florida Consortium of National Cancer Institute Centers Program while seeking National Cancer Institute designation as a cancer center or a comprehensive cancer, until June 30, 2024;
- Modifies the DOH's rulemaking authority pertaining to minimal standards governing ground ambulance and vehicle equipment and supplies for basic and advanced life support and for ground ambulance and vehicle design and construction;
- Defines "useful beam" radiation as that portion of a radiation beam designed to focus on a specific target and specifies the requirements for the maintenance and operation of a radiation machine, as well as the conditions for use on humans;
- Requires an applicant for a health care professional license to provide his or her date of birth on the application;
- Revises the DOH's health care practitioner licensing provisions to permit the DOH to issue a temporary license, that expires in 60 days instead of 30 days, to a non-resident or non-citizen physician who has accepted a residency, internship, or fellowship in Florida and has not yet received a social security number;
- Creates an exception to the 15-percent cap for self-referral for diagnostic imaging services normally imposed on solo or group practice settings for group practice entities that own an accountable care organization or an entity operating under an advanced alternative payment model, according to federal regulations, if such entity provides diagnostic imaging services and has more than 30,000 patients enrolled per year;

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- Requires the AHCA to create a webpage dedicated to providing information to patients and families about direct care workers, including types, services, and relative relationships with patients;
- Repeals a health care practitioner's failure to repay student loans as grounds for discipline by the DOH;
- Authorizes the DOH to issue medical faculty certificates to certain full-time faculty members of Nova Southeastern University and Lake Erie College of Osteopathic Medicine;
- Repeals the requirement that the Board of Medicine (BOM) conduct a triennial review of organizations that board-certify physicians in dermatology;
- Revises the composition of the Council on Physician Assistants, under the BOM, from four physicians and one physician assistant, to two physicians and three physician assistants;
- Revises the requirements for osteopathic internships and residencies to include those accredited by the Accreditation Council for Graduate Medical Education;
- Deregulates registered chiropractic assistants;
- Effective upon the bill becoming a law, extends the sunset of the statutory requirement for the Florida Center for Nursing to provide an implementation study and annual report on the availability of nursing programs and production of quality nurses, to the Governor, the President of the Senate, and the Speaker of the House of Representatives until January 30, 2025;
- Effective upon the bill becoming a law, allows a nursing education program seeking accreditation to apply to the Board of Nursing (BON) for a single extension of not more than two years if the program meets specific criteria and grants the BON rulemaking authority on criteria to qualify for the extension;
- Grants rulemaking authority to the BON to establish standards of practice, including discipline, for certified nursing assistants (CNA);
- Recognizes CNA certification in a U.S. territory or the District of Columbia for certification in Florida and eliminates the element of intent for violations of the practice act by CNAs;
- Defines the supplemental general dentistry education required for dental licensure applicants who have not graduated from a dental school accredited by the American Dental Association (ADA) Commission on Dental Accreditation (CODA) to exclude education in an advanced dental specialty;
- Repeals the requirement that dental and dental hygienist licensure examinations must be graded by Florida-licensed dentists and dental hygienists;
- Effective upon the bill becoming a law and applying retroactively to January 1, 2020, revives, reenacts, and amends statutory provisions relating to health access dental licenses, notwithstanding their sunset on January 1, 2020;
- Requires dentists and dental hygienists to report adverse incidents to the Board of Dentistry (BOD) and gives the BOD rulemaking authority;
- Authorizes an employee or independent contractor of a dental laboratory to engage in onsite consultation with a licensed dentist during a dental procedure and requires a dental laboratory to be inspected at least biennially;

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- Requires an athletic trainer to work within his or her scope of practice as defined by the Board of Athletic Trainers (BOAT) and revises the educational and internship requirements for licensure;
- Requires the DOH to issue a single prosthetist-orthotist license to qualified applicants and establishes the educational requirements for dual registration;
- Revises massage therapy licensure requirements to:
 - o Repeal Board of Massage Therapy (BMT) departmental examinations and require a BMT-specified national examination;
 - o Eliminate massage apprenticeships as a path to licensure by 2023; and
 - o Revise the definition of a massage therapy “apprentice” to include only those persons approved by the BMT to study colonic irrigation under a licensed massage therapist;
- Updates the name of the accreditation body for psychology programs and revises the requirements for psychology licensure;
- Limits the Board of Clinical Social Work, Marriage and Family Therapists, and Mental Health Counseling to the issuance of only one additional internship registration;
- Revises the education, clinical, and licensure requirements for marriage and family therapists and licensed mental health counselors, including updating the program accrediting agencies;
- Defines the term “surf pool” to mean a pool that is designed to generate waves for surfing on a surfboard or an analogous surfing device intended for sport;
- Exempts surf pools larger than four acres from supervision as a public swimming or bathing facility by the DOH, if the surf pool is permitted by a local government special use permit in which the local government asserts regulatory authority over the construction of the surf pool and, in consultation with the DOH, establishes through the local government’s special use permitting process the conditions for the surf pool’s operation, water quality, and necessary lifesaving equipment;
- Adds a charge of battery of a vulnerable adult or a patient or resident of a hospital, nursing home, assisted living facility, or other assisted care community to the list of disqualifying offenses under a required level 2 background screening of health care practitioners and employees of health care facilities, regardless of adjudication; and
- Deletes obsolete language and makes technical and conforming changes.

If approved by the Governor, and except as otherwise expressly provided in the bill, the provisions of the bill take effect July 1, 2020.

Vote: Senate 37-0; House 110-0