

By Senator Grimsley

26-00334B-17

20171074__

1 A bill to be entitled
2 An act relating to the Department of Health; amending
3 s. 381.004, F.S.; clarifying that certain requirements
4 related to the reporting of positive HIV results to
5 county health departments apply only to testing
6 performed in a nonhealth care setting; removing the
7 requirement in a health care setting of notification
8 to a test subject of the availability and location of
9 sites at which anonymous testing for HIV is performed;
10 amending s. 381.0202, F.S.; authorizing the Department
11 of Health to perform certain laboratory testing for a
12 fee; amending s. 381.4018, F.S.; requiring the
13 department to follow federal requirements in the
14 implementation of a specified program; amending s.
15 381.983, F.S.; redefining the term "elevated blood-
16 lead level"; amending s. 381.984, F.S.; authorizing,
17 rather than requiring, certain government actions
18 related to public information initiatives about lead
19 poisoning; amending s. 381.985, F.S.; requiring the
20 State Surgeon General to establish guidelines, rather
21 than a program, related to identifying risks of blood-
22 lead levels; requiring the State Surgeon General to
23 follow certain established national guidelines or
24 recommendations; removing a specific blood-lead level
25 standard; requiring the department, rather than the
26 State Surgeon General, to maintain certain records;
27 removing a requirement that records be indexed to
28 determine the location of high incidence of lead
29 poisoning; requiring health care providers to report

26-00334B-17

20171074__

30 all screening results to the affected individuals;
31 removing the requirement that such screening results
32 be reported to the State Surgeon General; amending s.
33 382.0255, F.S.; authorizing the waiver of fees for
34 juvenile offenders acquiring a specific state
35 identification card; amending s. 395.3025, F.S.;

36 authorizing the disclosure of certain patient records,
37 without consent, to the Agency for Health Care
38 Administration, rather than to the department;
39 requiring the department, rather than the agency, to
40 make certain patient records available under specified
41 circumstances; amending s. 456.013, F.S.; requiring
42 the dates of birth of applicants to be included in
43 applications for licensure examinations; removing
44 provisions relating to the size and format of
45 licenses; prohibiting the issuance or renewal of
46 certain licenses by the department or specified boards
47 to applicants who have not paid all fines and costs
48 imposed by certain final orders; amending s. 456.025,
49 F.S.; authorizing the department to waive specified
50 fees when trust fund moneys exceed a certain amount;
51 amending s. 456.065, F.S.; authorizing the transfer
52 from the operating fund of a profession when necessary
53 to pay for unlicensed activity enforcement costs;
54 amending ss. 458.3265 and 459.0137, F.S.; removing
55 provisions that exempt certain pain-management clinics
56 from registration; exempting certain clinics from
57 registration and operational requirements of the
58 department; exempting certain clinics from

26-00334B-17

20171074__

59 registration fees; creating s. 465.0195, F.S.;

60 requiring a pharmacy or outsourcing facility to obtain

61 a permit before engaging in specified activities

62 related to compounded sterile products; providing

63 permit application requirements; providing standards

64 and operational requirements for permitholders;

65 authorizing the Board of Pharmacy to adopt by rule

66 standards of practice for sterile compounding and

67 outsourcing facilities; requiring the board to

68 consider certain standards and regulations in adopting

69 such rules; providing applicability; amending s.

70 466.006, F.S.; removing requirements that licensing

71 examinations be graded by dentists who are licensed in

72 this state and employed by the department for the

73 purpose of grading examinations; amending s. 466.007,

74 F.S.; removing requirements that licensing

75 examinations be graded by dentists and dental

76 hygienists who are licensed in this state and employed

77 by the department for the purpose of grading

78 examinations; amending s. 468.803, F.S.; revising

79 requirements for registration in both orthotics and

80 prosthetics; providing for a combined license in

81 prosthetics and orthotics; providing licensing

82 requirements; amending s. 480.041, F.S.; removing a

83 requirement that the Board of Massage Therapy deny

84 certain license renewals and requiring the department

85 to deny those license renewals under certain

86 circumstances; amending s. 491.0045, F.S.; authorizing

87 the Board of Clinical Social Work, Marriage and Family

26-00334B-17

20171074__

88 Therapy, and Mental Health Counseling to make an
89 exception to intern registration requirements under
90 certain circumstances; amending s. 491.005, F.S.;
91 revising the amount of time of clinical experience
92 required for a marriage and family therapist
93 applicant; making technical changes; amending s.
94 491.009, F.S.; authorizing the Board of Clinical
95 Social Work, Marriage and Family Therapy, and Mental
96 Health Counseling, rather than the department, to
97 enter an order denying licensure or impose penalties
98 against an applicant for licensure under certain
99 circumstances; authorizing the department to enter
100 such order or impose penalties against a licensure
101 applicant in the case of a certified master social
102 worker; deleting a provision granting such authority
103 to the board in the case of a psychologist; amending
104 s. 893.055, F.S.; redefining the term "health care
105 practitioner" or "practitioner"; providing effective
106 dates.

107
108 Be It Enacted by the Legislature of the State of Florida:

109
110 Section 1. Paragraph (a) of subsection (2) of section
111 381.004, Florida Statutes, is amended to read:

112 381.004 HIV testing.—

113 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT;
114 RESULTS; COUNSELING; CONFIDENTIALITY.—

115 (a) Before performing an HIV test:

116 1. In a health care setting, the person to be tested shall

26-00334B-17

20171074__

117 be notified orally or in writing that the test is planned and
118 that he or she has the right to decline the test. If the person
119 to be tested declines the test, such decision shall be
120 documented in the medical record. A person who has signed a
121 general consent form for medical care is not required to sign or
122 otherwise provide a separate consent for an HIV test during the
123 period in which the general consent form is in effect.

124 2. In a nonhealth care setting, a provider shall obtain the
125 informed consent of the person upon whom the test is to be
126 performed. Informed consent shall be preceded by an explanation
127 of the right to confidential treatment of information
128 identifying the subject of the test and the results of the test
129 as provided by law. The test subject shall also be informed that
130 a positive HIV test result will be reported to the county health
131 department with sufficient information to identify the test
132 subject and of the availability and location of sites at which
133 anonymous testing is performed. As required in paragraph (3) (c),
134 each county health department shall maintain a list of sites at
135 which anonymous testing is performed, including the locations,
136 telephone numbers, and hours of operation of the sites.

137
138 ~~The test subject shall also be informed that a positive HIV test~~
139 ~~result will be reported to the county health department with~~
140 ~~sufficient information to identify the test subject and of the~~
141 ~~availability and location of sites at which anonymous testing is~~
142 ~~performed. As required in paragraph (3) (c), each county health~~
143 ~~department shall maintain a list of sites at which anonymous~~
144 ~~testing is performed, including the locations, telephone~~
145 ~~numbers, and hours of operation of the sites.~~

26-00334B-17

20171074__

146 Section 2. Subsection (4) is added to section 381.0202,
147 Florida Statutes, to read:

148 381.0202 Laboratory services.—

149 (4) The department is authorized to perform public health-
150 related laboratory testing for other states on a fee-for-service
151 basis.

152 Section 3. Effective upon this act becoming a law,
153 paragraph (k) is added to subsection (3) of section 381.4018,
154 Florida Statutes, to read:

155 381.4018 Physician workforce assessment and development.—

156 (3) GENERAL FUNCTIONS.—The department shall maximize the
157 use of existing programs under the jurisdiction of the
158 department and other state agencies and coordinate governmental
159 and nongovernmental stakeholders and resources in order to
160 develop a state strategic plan and assess the implementation of
161 such strategic plan. In developing the state strategic plan, the
162 department shall:

163 (k) Follow federal requirements and may adopt rules
164 necessary for the implementation of the Conrad 30 Waiver Program
165 established under s. 214(1) of the Immigration and Nationality
166 Act.

167 Section 4. Subsection (3) of section 381.983, Florida
168 Statutes, is amended to read:

169 381.983 Definitions.—As used in this act, the term:

170 (3) "Elevated blood-lead level" means a quantity of lead in
171 the whole venous blood, measured from a venous or capillary draw
172 expressed in micrograms per deciliter (ug/dL), which exceeds the
173 cutpoint specified in rule. An elevated blood-lead level
174 classification must be based on national recommendations

26-00334B-17

20171074__

175 specified by the Council of State and Territorial
 176 Epidemiologists and the Centers for Disease Control and
 177 Prevention 10 ug/dL or such other level as specifically provided
 178 ~~in this act.~~

179 Section 5. Subsections (2) and (3) of section 381.984,
 180 Florida Statutes, are amended to read:

181 381.984 Educational programs.—

182 (2) PUBLIC INFORMATION INITIATIVE.—The Governor, in
 183 conjunction with the State Surgeon General and his or her
 184 designee, may ~~shall~~ sponsor a series of public service
 185 announcements on radio, television, the Internet, and print
 186 media about the nature of lead-based-paint hazards, the
 187 importance of standards for lead poisoning prevention in
 188 properties, and the purposes and responsibilities set forth in
 189 this act. In developing and coordinating this public information
 190 initiative, the sponsors may ~~shall~~ seek the participation and
 191 involvement of private industry organizations, including those
 192 involved in real estate, insurance, mortgage banking, and
 193 pediatrics.

194 (3) DISTRIBUTION OF INFORMATION ~~LITERATURE~~ ABOUT CHILDHOOD
 195 LEAD POISONING.—~~By January 1, 2007,~~ The State Surgeon General or
 196 his or her designee shall develop culturally and linguistically
 197 appropriate information and distribution methods ~~pamphlets~~
 198 regarding childhood lead poisoning, the importance of testing
 199 for elevated blood-lead levels, prevention of childhood lead
 200 poisoning, treatment of childhood lead poisoning, and, where
 201 appropriate, the requirements of this act. This ~~These~~
 202 information ~~pamphlets~~ shall be provided ~~distributed~~ to parents
 203 or the other legal guardians of children 6 years of age or

26-00334B-17

20171074__

204 younger on the following occasions:

205 (a) By a health care provider at the time of a child's
206 birth and at the time of any childhood immunization or
207 vaccination unless it is established that such information
208 ~~pamphlet~~ has been provided previously to the parent or legal
209 guardian by the health care provider within the prior 12 months.

210 (b) By the owner or operator of any child care facility or
211 preschool or kindergarten class on or before October 15 of the
212 calendar year.

213 Section 6. Section 381.985, Florida Statutes, is amended to
214 read:

215 381.985 Screening program.—

216 (1) The State Surgeon General shall establish guidelines ~~a~~
217 ~~program~~ for early identification of persons at risk of having
218 elevated blood-lead levels. Such guidelines ~~program~~ shall
219 systematically screen children under 6 years of age in the
220 target populations identified in subsection (2) for the presence
221 of elevated blood-lead levels. Children within the specified
222 target populations shall be screened with a blood-lead test at
223 age 12 months and age 24 months, or between the ages of 36
224 months and 72 months if they have not previously been screened.
225 The State Surgeon General shall, after consultation with
226 recognized professional medical groups and such other sources as
227 the State Surgeon General deems appropriate, follow established
228 national reporting guidelines or recommendations, such as those
229 issued by the Council of State and Territorial Epidemiologists
230 and the Centers for Disease Control and Prevention, for
231 reporting elevated blood-lead levels and screening results to
232 the Department of Health under this section ~~promulgate rules~~

26-00334B-17

20171074__

233 establishing:

234 ~~(a) The means by which and the intervals at which such~~
235 ~~children under 6 years of age shall be screened for lead~~
236 ~~poisoning and elevated blood-lead levels.~~

237 ~~(b) Guidelines for the medical followup on children found~~
238 ~~to have elevated blood-lead levels.~~

239 (2) In developing screening programs to identify persons at
240 risk with elevated blood-lead levels, priority shall be given to
241 persons within the following categories:

242 (a) All children enrolled in the Medicaid program at ages
243 12 months and 24 months, or between the ages of 36 months and 72
244 months if they have not previously been screened.

245 (b) Children under the age of 6 years exhibiting delayed
246 cognitive development or other symptoms of childhood lead
247 poisoning.

248 (c) Persons at risk residing in the same household, or
249 recently residing in the same household, as another person at
250 risk with an elevated a blood-lead level ~~of 10 ug/dL or greater.~~

251 (d) Persons at risk residing, or who have recently resided,
252 in buildings or geographical areas in which significant numbers
253 of cases of lead poisoning or elevated blood-lead levels have
254 recently been reported.

255 (e) Persons at risk residing, or who have recently resided,
256 in an affected property contained in a building that during the
257 preceding 3 years has been subject to enforcement for violations
258 of lead-poisoning-prevention statutes, ordinances, rules, or
259 regulations ~~as specified by the State Surgeon General.~~

260 (f) Persons at risk residing, or who have recently resided,
261 in a room or group of rooms contained in a building whose owner

26-00334B-17

20171074__

262 also owns a building containing affected properties which during
263 the preceding 3 years has been subject to an enforcement action
264 for a violation of lead-poisoning-prevention statutes,
265 ordinances, rules, or regulations.

266 (g) Persons at risk residing in other buildings or
267 geographical areas in which the State Surgeon General reasonably
268 determines there to be a significant risk of affected
269 individuals having an elevated blood-lead level ~~a blood-lead~~
270 ~~level of 10 ug/dL or greater.~~

271 (3) The department ~~State Surgeon General~~ shall maintain
272 comprehensive records of all screenings indicating an elevated
273 blood-lead level ~~conducted pursuant to this section.~~ Such
274 ~~records shall be indexed geographically and by owner in order to~~
275 ~~determine the location of areas of relatively high incidence of~~
276 ~~lead poisoning and other elevated blood-lead levels.~~

277 (4) All screening results produced ~~eases or probable cases~~
278 ~~of lead poisoning found in the course of screenings conducted~~
279 pursuant to this section shall be reported by the health care
280 provider conducting or ordering the screening to the affected
281 individual, or to his or her parent or legal guardian if he or
282 she is a minor, ~~and to the State Surgeon General.~~

283 Section 7. Subsection (3) of section 382.0255, Florida
284 Statutes, is amended to read:

285 382.0255 Fees.—

286 (3) Fees shall be established by rule. However, until rules
287 are adopted, the fees assessed pursuant to this section shall be
288 the minimum fees cited. The fees established by rule must be
289 sufficient to meet the cost of providing the service. All fees
290 shall be paid by the person requesting the record, are due and

26-00334B-17

20171074__

291 payable at the time services are requested, and are
292 nonrefundable, except that, when a search is conducted and no
293 vital record is found, any fees paid for additional certified
294 copies shall be refunded. The department may waive all or part
295 of the fees required under this section for any government
296 entity. The department shall waive all fees required under this
297 section for a certified copy of a birth certificate issued for
298 purposes of an inmate acquiring a state identification card
299 before release pursuant to s. 944.605(7) or a juvenile offender
300 acquiring a state identification card pursuant to s. 322.051.

301 Section 8. Paragraph (e) of subsection (4) of section
302 395.3025, Florida Statutes, is amended to read:

303 395.3025 Patient and personnel records; copies;
304 examination.—

305 (4) Patient records are confidential and must not be
306 disclosed without the consent of the patient or his or her legal
307 representative, but appropriate disclosure may be made without
308 such consent to:

309 (e) The Department of Health ~~agency~~ upon subpoena issued
310 pursuant to s. 456.071, but the records obtained thereby must be
311 used solely for the purpose of the department ~~agency~~ and the
312 appropriate professional board in its investigation,
313 prosecution, and appeal of disciplinary proceedings. If the
314 department ~~agency~~ requests copies of the records, the facility
315 shall charge no more than its actual copying costs, including
316 reasonable staff time. The records must be sealed and must not
317 be available to the public pursuant to s. 119.07(1) or any other
318 statute providing access to records, nor may they be available
319 to the public as part of the record of investigation for and

26-00334B-17

20171074__

320 prosecution in disciplinary proceedings made available to the
321 public by the department ~~agency~~ or the appropriate regulatory
322 board. However, the department ~~agency~~ must make available, upon
323 written request by a practitioner against whom probable cause
324 has been found, any such records that form the basis of the
325 determination of probable cause.

326 Section 9. Paragraph (a) of subsection (1) and subsection
327 (2) of section 456.013, Florida Statutes, are amended, and
328 subsections (14) and (15) are added to that section, to read:

329 456.013 Department; general licensing provisions.—

330 (1) (a) Any person desiring to be licensed in a profession
331 within the jurisdiction of the department shall apply to the
332 department in writing to take the licensure examination. The
333 application shall be made on a form prepared and furnished by
334 the department. The application form must be available on the
335 World Wide Web, and the department may accept electronically
336 submitted applications beginning July 1, 2001. The application
337 shall require the date of birth and the social security number
338 of the applicant, except as provided in paragraph (b). The form
339 shall be supplemented as needed to reflect any material change
340 in any circumstance or condition stated in the application which
341 takes place between the initial filing of the application and
342 the final grant or denial of the license and which might affect
343 the decision of the department. If an application is submitted
344 electronically, the department may require supplemental
345 materials, including an original signature of the applicant and
346 verification of credentials, to be submitted in a nonelectronic
347 format. An incomplete application shall expire 1 year after
348 initial filing. In order to further the economic development

26-00334B-17

20171074__

349 goals of the state, and notwithstanding any law to the contrary,
350 the department may enter into an agreement with the county tax
351 collector for the purpose of appointing the county tax collector
352 as the department's agent to accept applications for licenses
353 and applications for renewals of licenses. The agreement must
354 specify the time within which the tax collector must forward any
355 applications and accompanying application fees to the
356 department.

357 (2) Before the issuance of a ~~any~~ license, the department
358 shall charge an initial license fee as determined by the
359 applicable board or, if there is no board, by rule of the
360 department. Upon receipt of the appropriate license fee, the
361 department shall issue a license to a ~~any~~ person certified by
362 the appropriate board, or its designee, as having met the
363 licensure requirements imposed by law or rule. ~~The license shall~~
364 ~~consist of a wallet-size identification card and a wall card~~
365 ~~measuring 6 1/2 inches by 5 inches.~~ The licensee shall surrender
366 the license to the department ~~the wallet-size identification~~
367 ~~card and the wall card~~ if the licensee's license was ~~is~~ issued
368 in error or is revoked.

369 (14) The department may not renew the license of a person
370 or establishment that has not paid the fines and costs as
371 described in the timeframe listed in the final order imposing
372 discipline until such time as the total amount of the fines and
373 costs imposed by the final order are paid in full.

374 (15) A board, or the department when there is no board, may
375 not grant a license to a person or establishment that has not
376 paid the fines and costs described in the timeframe listed in a
377 previous final order imposing discipline; that has allowed the

26-00334B-17

20171074__

378 person's or establishment's license, regulated under chapter
379 456, to become delinquent or null and void; or that has
380 relinquished such a license in any way, until such time as the
381 total amount of the fines and costs imposed by the final order,
382 the delinquency fee, and any other fees resulting from the
383 failure to timely renew a license are paid in full.

384 Section 10. Present subsections (7) through (11) of section
385 456.025, Florida Statutes, are redesignated as subsections (8)
386 through (12), respectively, and a new subsection (7) is added to
387 that section, to read:

388 456.025 Fees; receipts; disposition.—

389 (7) When the department has determined, based on long-range
390 estimates of revenue, that a profession's trust fund moneys
391 exceed the amount required to cover the cost to regulate the
392 profession, the board of the profession, or the department if
393 there is no board, may adopt rules to implement the waiver of
394 initial application fees, initial licensure fees, unlicensed
395 activity fees, or renewal fees for the profession for a period
396 not to exceed 2 years. At the end of the waiver period, all
397 waived fees are automatically reinstated without the necessity
398 for rulemaking by the board, or the department if there is no
399 board.

400 Section 11. Subsection (3) of section 456.065, Florida
401 Statutes, is amended to read:

402 456.065 Unlicensed practice of a health care profession;
403 intent; cease and desist notice; penalties; enforcement;
404 citations; fees; allocation and disposition of moneys
405 collected.—

406 (3) Because all enforcement costs should be covered by

26-00334B-17

20171074__

407 professions regulated by the department, the department shall
408 impose, upon initial licensure and each licensure renewal, a
409 special fee of \$5 per licensee to fund efforts to combat
410 unlicensed activity. Such fee shall be in addition to all other
411 fees collected from each licensee. The department shall make
412 direct charges to the Medical Quality Assurance Trust Fund by
413 profession. The department shall seek board advice regarding
414 enforcement methods and strategies. The department shall
415 directly credit the Medical Quality Assurance Trust Fund, by
416 profession, with the revenues received from the department's
417 efforts to enforce licensure provisions. The department shall
418 include all financial and statistical data resulting from
419 unlicensed activity enforcement as a separate category in the
420 quarterly management report provided for in s. 456.025. For an
421 unlicensed activity account, a balance delinquency which remains
422 at the end of a renewal cycle may, with concurrence of the
423 applicable board and the department, be transferred to the
424 operating fund account of that profession. If imposition of the
425 special fee of \$5 is insufficient to cover the costs of
426 unlicensed activity enforcement for a specific profession, with
427 the concurrence of the applicable board and the department, a
428 transfer may be made from the operating fund of that profession
429 to the unlicensed activity category within the profession's cash
430 balance to cover the deficit. The department shall also use
431 these funds to inform and educate consumers generally on the
432 importance of using licensed health care practitioners.

433 Section 12. Paragraph (a) of subsection (1) of section
434 458.3265, Florida Statutes, is amended to read:

435 458.3265 Pain-management clinics.-

26-00334B-17

20171074__

436 (1) REGISTRATION.—

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

438 a. "Board eligible" means successful completion of an
439 anesthesia, physical medicine and rehabilitation, rheumatology,
440 or neurology residency program approved by the Accreditation
441 Council for Graduate Medical Education or the American
442 Osteopathic Association for a period of 6 years from successful
443 completion of such residency program.

444 b. "Chronic nonmalignant pain" means pain unrelated to
445 cancer which persists beyond the usual course of disease or the
446 injury that is the cause of the pain or more than 90 days after
447 surgery.

448 c. "Pain-management clinic" or "clinic" means any publicly
449 or privately owned facility:

450 (I) That advertises in any medium for any type of pain-
451 management services; or

452 (II) Where in any month a majority of patients are
453 prescribed opioids, benzodiazepines, barbiturates, or
454 carisoprodol for the treatment of chronic nonmalignant pain.

455 2. Each pain-management clinic must register with the
456 department. ~~unless:~~

457 3. A clinic that meets one or more of the following
458 conditions and notifies the department of the met conditions is
459 exempt from registration fees and is not required to comply with
460 paragraphs (c)-(m), subsections (2) and (3), and rules adopted
461 under subsection (4):

462 a. The ~~That~~ clinic is licensed as a facility pursuant to
463 chapter 395;

464 b. The majority of the physicians who provide services in

26-00334B-17

20171074__

465 the clinic primarily provide surgical services;

466 c. The clinic is owned by a publicly held corporation whose
467 shares are traded on a national exchange or on the over-the-
468 counter market and whose total assets at the end of the
469 corporation's most recent fiscal quarter exceeded \$50 million;

470 d. The clinic is affiliated with an accredited medical
471 school at which training is provided for medical students,
472 residents, or fellows;

473 e. The clinic does not prescribe controlled substances for
474 the treatment of pain;

475 f. The clinic is owned by a corporate entity exempt from
476 federal taxation under 26 U.S.C. s. 501(c)(3);

477 g. The clinic is wholly owned and operated by one or more
478 board-eligible or board-certified anesthesiologists,
479 physiatrists, rheumatologists, or neurologists; or

480 h. The clinic is wholly owned and operated by a physician
481 multispecialty practice where one or more board-eligible or
482 board-certified medical specialists, who have also completed
483 fellowships in pain medicine approved by the Accreditation
484 Council for Graduate Medical Education or who are also board-
485 certified in pain medicine by the American Board of Pain
486 Medicine or a board approved by the American Board of Medical
487 Specialties, the American Association of Physician Specialists,
488 or the American Osteopathic Association, perform interventional
489 pain procedures of the type routinely billed using surgical
490 codes.

491 Section 13. Paragraph (a) of subsection (1) of section
492 459.0137, Florida Statutes, is amended to read:

493 459.0137 Pain-management clinics.—

26-00334B-17

20171074__

494 (1) REGISTRATION.—

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

496 a. "Board eligible" means successful completion of an
497 anesthesia, physical medicine and rehabilitation, rheumatology,
498 or neurology residency program approved by the Accreditation
499 Council for Graduate Medical Education or the American
500 Osteopathic Association for a period of 6 years from successful
501 completion of such residency program.

502 b. "Chronic nonmalignant pain" means pain unrelated to
503 cancer which persists beyond the usual course of disease or the
504 injury that is the cause of the pain or more than 90 days after
505 surgery.

506 c. "Pain-management clinic" or "clinic" means any publicly
507 or privately owned facility:

508 (I) That advertises in any medium for any type of pain-
509 management services; or

510 (II) Where in any month a majority of patients are
511 prescribed opioids, benzodiazepines, barbiturates, or
512 carisoprodol for the treatment of chronic nonmalignant pain.

513 2. Each pain-management clinic must register with the
514 department. ~~unless:~~

515 3. A clinic that meets one or more of the following
516 conditions and notifies the department of the met conditions is
517 exempt from registration fees and is not required to comply with
518 paragraphs (c)-(m), subsections (2) and (3), and rules adopted
519 under subsection (4):

520 a. The ~~That~~ clinic is licensed as a facility pursuant to
521 chapter 395;

522 b. The majority of the physicians who provide services in

26-00334B-17

20171074__

523 the clinic primarily provide surgical services;

524 c. The clinic is owned by a publicly held corporation whose
525 shares are traded on a national exchange or on the over-the-
526 counter market and whose total assets at the end of the
527 corporation's most recent fiscal quarter exceeded \$50 million;

528 d. The clinic is affiliated with an accredited medical
529 school at which training is provided for medical students,
530 residents, or fellows;

531 e. The clinic does not prescribe controlled substances for
532 the treatment of pain;

533 f. The clinic is owned by a corporate entity exempt from
534 federal taxation under 26 U.S.C. s. 501(c)(3);

535 g. The clinic is wholly owned and operated by one or more
536 board-eligible or board-certified anesthesiologists,
537 physiatrists, rheumatologists, or neurologists; or

538 h. The clinic is wholly owned and operated by a physician
539 multispecialty practice where one or more board-eligible or
540 board-certified medical specialists, who have also completed
541 fellowships in pain medicine approved by the Accreditation
542 Council for Graduate Medical Education or the American
543 Osteopathic Association or who are also board-certified in pain
544 medicine by the American Board of Pain Medicine or a board
545 approved by the American Board of Medical Specialties, the
546 American Association of Physician Specialists, or the American
547 Osteopathic Association, perform interventional pain procedures
548 of the type routinely billed using surgical codes.

549 Section 14. Section 465.0195, Florida Statutes, is created
550 to read:

551 465.0195 In-state sterile compounding permit.—Before any

26-00334B-17

20171074__

552 pharmacy or outsourcing facility located in this state
553 dispenses, creates, delivers, ships, or mails, in any manner, a
554 compounded sterile product, the pharmacy or outsourcing facility
555 must hold a sterile compounding permit.

556 (1) An application for a sterile compounding permit shall
557 be submitted on a form furnished by the board. The board may
558 require such information as it deems reasonably necessary to
559 carry out the purposes of this section.

560 (2) If the board certifies that the application complies
561 with the applicable laws and rules of the board governing the
562 practice of the profession of pharmacy, the department shall
563 issue the permit.

564 (3) A permit may not be issued unless a licensed pharmacist
565 is designated to undertake the professional supervision of the
566 compounding and dispensing of all drugs dispensed by the
567 permittee.

568 (4) The permittee shall notify the department within 10
569 days after any change in the designation of the licensed
570 pharmacist responsible for the supervision of the compounding
571 and dispensing of all drugs. A permittee that employs or
572 otherwise uses registered pharmacy technicians must have a
573 written policy and procedures manual specifying the duties,
574 tasks, and functions that a registered pharmacy technician is
575 allowed to perform.

576 (5) The board may adopt by rule standards of practice for
577 sterile compounding. In adopting the standards of practice, the
578 board shall consider the pharmaceutical standards in chapter 797
579 of the United States Pharmacopoeia and may consider any
580 authoritative professional standards. In adopting standards of

26-00334B-17

20171074__

581 practice for an outsourcing facility, the board shall consider
582 the Current Good Manufacturing Practice regulations enforced by
583 the United States Food and Drug Administration and may consider
584 any authoritative professional standards.

585 (6) All provisions relating to pharmacy permits in ss.
586 465.022 and 465.023 apply to permits issued pursuant to this
587 section.

588 Section 15. Paragraph (b) of subsection (4) of section
589 466.006, Florida Statutes, is amended to read:

590 466.006 Examination of dentists.—

591 (4) Notwithstanding any other provision of law in chapter
592 456 pertaining to the clinical dental licensure examination or
593 national examinations, to be licensed as a dentist in this
594 state, an applicant must successfully complete the following:

595 (b)1. A practical or clinical examination, which shall be
596 the American Dental Licensing Examination produced by the
597 American Board of Dental Examiners, Inc., or its successor
598 entity, if any, that is administered in this state ~~and graded by~~
599 ~~dentists licensed in this state and employed by the department~~
600 ~~for just such purpose~~, provided that the board has attained, and
601 continues to maintain thereafter, representation on the board of
602 directors of the American Board of Dental Examiners, the
603 examination development committee of the American Board of
604 Dental Examiners, and such other committees of the American
605 Board of Dental Examiners as the board deems appropriate by rule
606 to assure that the standards established herein are maintained
607 organizationally. A passing score on the American Dental
608 Licensing Examination administered in this state ~~and graded by~~
609 ~~dentists who are licensed in this state~~ is valid for 365 days

26-00334B-17

20171074__

610 after the date the official examination results are published.

611 2.a. As an alternative to the requirements of subparagraph
612 1., an applicant may submit scores from an American Dental
613 Licensing Examination previously administered in a jurisdiction
614 other than this state after October 1, 2011, and such
615 examination results shall be recognized as valid for the purpose
616 of licensure in this state. A passing score on the American
617 Dental Licensing Examination administered out-of-state shall be
618 the same as the passing score for the American Dental Licensing
619 Examination administered in this state ~~and graded by dentists~~
620 ~~who are licensed in this state~~. The examination results are
621 valid for 365 days after the date the official examination
622 results are published. The applicant must have completed the
623 examination after October 1, 2011.

624 b. This subparagraph may not be given retroactive
625 application.

626 3. If the date of an applicant's passing American Dental
627 Licensing Examination scores from an examination previously
628 administered in a jurisdiction other than this state under
629 subparagraph 2. is older than 365 days, then such scores shall
630 nevertheless be recognized as valid for the purpose of licensure
631 in this state, but only if the applicant demonstrates that all
632 of the following additional standards have been met:

633 a.(I) The applicant completed the American Dental Licensing
634 Examination after October 1, 2011.

635 (II) This sub-subparagraph may not be given retroactive
636 application;

637 b. The applicant graduated from a dental school accredited
638 by the American Dental Association Commission on Dental

26-00334B-17

20171074__

639 Accreditation or its successor entity, if any, or any other
640 dental accrediting organization recognized by the United States
641 Department of Education. Provided, however, if the applicant did
642 not graduate from such a dental school, the applicant may submit
643 proof of having successfully completed a full-time supplemental
644 general dentistry program accredited by the American Dental
645 Association Commission on Dental Accreditation of at least 2
646 consecutive academic years at such accredited sponsoring
647 institution. Such program must provide didactic and clinical
648 education at the level of a D.D.S. or D.M.D. program accredited
649 by the American Dental Association Commission on Dental
650 Accreditation;

651 c. The applicant currently possesses a valid and active
652 dental license in good standing, with no restriction, which has
653 never been revoked, suspended, restricted, or otherwise
654 disciplined, from another state or territory of the United
655 States, the District of Columbia, or the Commonwealth of Puerto
656 Rico;

657 d. The applicant submits proof that he or she has never
658 been reported to the National Practitioner Data Bank, the
659 Healthcare Integrity and Protection Data Bank, or the American
660 Association of Dental Boards Clearinghouse. This sub-
661 subparagraph does not apply if the applicant successfully
662 appealed to have his or her name removed from the data banks of
663 these agencies;

664 e.(I) In the 5 years immediately preceding the date of
665 application for licensure in this state, the applicant must
666 submit proof of having been consecutively engaged in the full-
667 time practice of dentistry in another state or territory of the

26-00334B-17

20171074__

668 United States, the District of Columbia, or the Commonwealth of
669 Puerto Rico, or, if the applicant has been licensed in another
670 state or territory of the United States, the District of
671 Columbia, or the Commonwealth of Puerto Rico for less than 5
672 years, the applicant must submit proof of having been engaged in
673 the full-time practice of dentistry since the date of his or her
674 initial licensure.

675 (II) As used in this section, "full-time practice" is
676 defined as a minimum of 1,200 hours per year for each and every
677 year in the consecutive 5-year period or, where applicable, the
678 period since initial licensure, and must include any combination
679 of the following:

680 (A) Active clinical practice of dentistry providing direct
681 patient care.

682 (B) Full-time practice as a faculty member employed by a
683 dental or dental hygiene school approved by the board or
684 accredited by the American Dental Association Commission on
685 Dental Accreditation.

686 (C) Full-time practice as a student at a postgraduate
687 dental education program approved by the board or accredited by
688 the American Dental Association Commission on Dental
689 Accreditation.

690 (III) The board shall develop rules to determine what type
691 of proof of full-time practice is required and to recoup the
692 cost to the board of verifying full-time practice under this
693 section. Such proof must, at a minimum, be:

694 (A) Admissible as evidence in an administrative proceeding;

695 (B) Submitted in writing;

696 (C) Submitted by the applicant under oath with penalties of

26-00334B-17

20171074__

697 perjury attached;

698 (D) Further documented by an affidavit of someone unrelated
699 to the applicant who is familiar with the applicant's practice
700 and testifies with particularity that the applicant has been
701 engaged in full-time practice; and

702 (E) Specifically found by the board to be both credible and
703 admissible.

704 (IV) An affidavit of only the applicant is not acceptable
705 proof of full-time practice unless it is further attested to by
706 someone unrelated to the applicant who has personal knowledge of
707 the applicant's practice. If the board deems it necessary to
708 assess credibility or accuracy, the board may require the
709 applicant or the applicant's witnesses to appear before the
710 board and give oral testimony under oath;

711 f. The applicant must submit documentation that he or she
712 has completed, or will complete, prior to licensure in this
713 state, continuing education equivalent to this state's
714 requirements for the last full reporting biennium;

715 g. The applicant must prove that he or she has never been
716 convicted of, or pled nolo contendere to, regardless of
717 adjudication, any felony or misdemeanor related to the practice
718 of a health care profession in any jurisdiction;

719 h. The applicant must successfully pass a written
720 examination on the laws and rules of this state regulating the
721 practice of dentistry and must successfully pass the computer-
722 based diagnostic skills examination; and

723 i. The applicant must submit documentation that he or she
724 has successfully completed the National Board of Dental
725 Examiners dental examination.

26-00334B-17

20171074__

726 Section 16. Paragraph (b) of subsection (4) and paragraph
727 (a) of subsection (6) of section 466.007, Florida Statutes, are
728 amended to read:

729 466.007 Examination of dental hygienists.—

730 (4) Effective July 1, 2012, to be licensed as a dental
731 hygienist in this state, an applicant must successfully complete
732 the following:

733 (b) A practical or clinical examination approved by the
734 board. The examination shall be the Dental Hygiene Examination
735 produced by the American Board of Dental Examiners, Inc. (ADEX)
736 or its successor entity, if any, if the board finds that the
737 successor entity's clinical examination meets or exceeds the
738 provisions of this section. The board shall approve the ADEX
739 Dental Hygiene Examination if the board has attained and
740 continues to maintain representation on the ADEX House of
741 Representatives, the ADEX Dental Hygiene Examination Development
742 Committee, and such other ADEX Dental Hygiene committees as the
743 board deems appropriate through rulemaking to ensure that the
744 standards established in this section are maintained
745 organizationally. The ADEX Dental Hygiene Examination or the
746 examination produced by its successor entity is a comprehensive
747 examination in which an applicant must demonstrate skills within
748 the dental hygiene scope of practice on a live patient and any
749 other components that the board deems necessary for the
750 applicant to successfully demonstrate competency for the purpose
751 of licensure. ~~The ADEX Dental Hygiene Examination or the~~
752 ~~examination by the successor entity administered in this state~~
753 ~~shall be graded by dentists and dental hygienists licensed in~~
754 ~~this state who are employed by the department for this purpose.~~

26-00334B-17

20171074__

755 (6) (a) A passing score on the ADEX Dental Hygiene
 756 Examination administered out of state shall be considered the
 757 same as a passing score for the ADEX Dental Hygiene Examination
 758 administered in this state ~~and graded by licensed dentists and~~
 759 ~~dental hygienists.~~

760 Section 17. Subsections (1), (3), and (4) of section
 761 468.803, Florida Statutes, are amended, and paragraph (f) is
 762 added to subsection (5) of that section, to read:

763 468.803 License, registration, and examination
 764 requirements.—

765 (1) The department shall issue a license to practice
 766 orthotics, prosthetics, or pedorthics, or a registration for a
 767 resident to practice orthotics or prosthetics, to qualified
 768 applicants. Licenses shall be granted independently in
 769 orthotics, prosthetics, or pedorthics, but a person may be
 770 licensed in more than one such discipline, and a single
 771 prosthetist-orthotist license may be granted to persons meeting
 772 the requirements for both a prosthetist and an orthotist
 773 license. Registrations shall be granted ~~independently~~ in
 774 orthotics or prosthetics, ~~or and~~ a person may, if approved by
 775 the board, hold a single registration ~~may be registered~~ in both
 776 fields at the same time.

777 (3) A person seeking to attain the required orthotics or
 778 prosthetics experience in this state must be approved by the
 779 board and registered as a resident by the department. For a 12-
 780 month residency, a registration may be held in each practice
 781 field, and the board may not approve a second registration until
 782 at least 1 year after the issuance of the first registration.
 783 For an 18-month residency, ~~Although~~ a registration may be held

26-00334B-17

20171074__

784 in both practice fields concurrently, ~~the board shall not~~
785 ~~approve a second registration until at least 1 year after the~~
786 ~~issuance of the first registration.~~ Notwithstanding subsection
787 (2), an applicant who has been approved by the board and
788 registered by the department in one practice field may apply for
789 registration in the second practice field without an additional
790 state or national criminal history check during the period in
791 which the first registration is valid. Each registration is
792 valid for 2 years from the date of issuance unless otherwise
793 revoked by the department upon recommendation of the board. The
794 board shall set a registration fee not to exceed \$500 to be paid
795 by the applicant. A registration may be renewed once by the
796 department upon recommendation of the board for a period no
797 longer than 1 year, as such renewal is defined by the board by
798 rule. The registration renewal fee shall not exceed one-half the
799 current registration fee. To be considered by the board for
800 approval of registration as a resident, the applicant must have:

801 (a) A Bachelor of Science or higher-level postgraduate
802 degree in Orthotics and Prosthetics from a regionally accredited
803 college or university recognized by the Commission on
804 Accreditation of Allied Health Education Programs or, at a
805 minimum, a bachelor's degree from a regionally accredited
806 college or university and a certificate in orthotics from a
807 program recognized by the Commission on Accreditation of Allied
808 Health Education Programs, or its equivalent, as determined by
809 the board; or

810 (b) A Bachelor of Science or higher-level postgraduate
811 degree in Orthotics and Prosthetics from a regionally accredited
812 college or university recognized by the Commission on

26-00334B-17

20171074__

813 Accreditation of Allied Health Education Programs or, at a
814 minimum, a bachelor's degree from a regionally accredited
815 college or university and a certificate in prosthetics from a
816 program recognized by the Commission on Accreditation of Allied
817 Health Education Programs, or its equivalent, as determined by
818 the board.

819 (4) The department may develop and administer a state
820 examination for an orthotist license, ~~or~~ a prosthetist license,
821 or a prosthetist-orthotist license, or the board may approve the
822 existing examination of a national standards organization. The
823 examination must be predicated on a minimum of a baccalaureate-
824 level education and formalized specialized training in the
825 appropriate field. Each examination must demonstrate a minimum
826 level of competence in basic scientific knowledge, written
827 problem solving, and practical clinical patient management. If
828 developed and administered by the department, the board shall
829 require an examination fee not to exceed the actual cost of ~~to~~
830 ~~the board in~~ developing, administering, and approving the
831 examination, which fee must be paid by the applicant. To be
832 considered by the board for examination, the applicant must
833 have:

834 (a) For an examination in orthotics:

835 1. A Bachelor of Science or higher-level postgraduate
836 degree in Orthotics and Prosthetics from a regionally accredited
837 college or university recognized by the Commission on
838 Accreditation of Allied Health Education Programs or, at a
839 minimum, a bachelor's degree from a regionally accredited
840 college or university and a certificate in orthotics from a
841 program recognized by the Commission on Accreditation of Allied

26-00334B-17

20171074__

842 Health Education Programs, or its equivalent, as determined by
843 the board; and

844 2. An approved orthotics internship of 1 year of qualified
845 experience, as determined by the board, or an orthotic residency
846 program recognized by the board.

847 (b) For an examination in prosthetics:

848 1. A Bachelor of Science or higher-level postgraduate
849 degree in Orthotics and Prosthetics from a regionally accredited
850 college or university recognized by the Commission on
851 Accreditation of Allied Health Education Programs or, at a
852 minimum, a bachelor's degree from a regionally accredited
853 college or university and a certificate in prosthetics from a
854 program recognized by the Commission on Accreditation of Allied
855 Health Education Programs, or its equivalent, as determined by
856 the board; and

857 2. An approved prosthetics internship of 1 year of
858 qualified experience, as determined by the board, or a
859 prosthetic residency program recognized by the board.

860 (c) For an examination leading toward a prosthetist-
861 orthotist license:

862 1. A Bachelor of Science or higher-level postgraduate
863 degree in Orthotics and Prosthetics from a regionally accredited
864 college or university recognized by the Commission on
865 Accreditation of Allied Health Education Programs or, at a
866 minimum, a bachelor's degree from a regionally accredited
867 college or university and a certificate in orthotics and
868 prosthetics from a program recognized by the Commission on
869 Accreditation of Allied Health Education Programs, or its
870 equivalent, as determined by the board; and

26-00334B-17

20171074__

871 2. An approved orthotics-prosthetics internship of 1 year
872 of qualified experience, as determined by the board, or an
873 orthotics-prosthetics residency program recognized by the board.

874 (5) In addition to the requirements in subsection (2), to
875 be licensed as:

876 (f) A prosthetist-orthotist, the applicant must pay a fee
877 not to exceed \$500 for each profession and must have:

878 1. A Bachelor of Science or higher-level postgraduate
879 degree in Orthotics and Prosthetics from a regionally accredited
880 college or university, or a bachelor's degree with a certificate
881 in orthotics and prosthetics from a program recognized by the
882 Commission on Accreditation of Allied Health Education Programs,
883 or its equivalent, as determined by the board;

884 2. An appropriate internship of 1 year of qualified
885 experience, as determined by the board, or a residency program
886 recognized by the board;

887 3. Completed the mandatory courses; and

888 4. Passed the state prosthetics examination and state
889 orthotics examination, or the board-approved prosthetics
890 examination and board-approved orthotics examination. If a
891 board-approved combined examination becomes available, the
892 combined examination also meets the requirement under this
893 subparagraph.

894 Section 18. Subsection (7) of section 480.041, Florida
895 Statutes, is amended to read:

896 480.041 Massage therapists; qualifications; licensure;
897 endorsement.—

898 (7) The board shall deny an application for a new license
899 and the department shall deny the ~~or~~ renewal of a license if an

26-00334B-17

20171074__

900 applicant has been convicted or found guilty of, or enters a
901 plea of guilty or nolo contendere to, regardless of
902 adjudication, a violation of s. 796.07(2)(a) which is
903 reclassified under s. 796.07(7) or a felony offense under any of
904 the following provisions of state law or a similar provision in
905 another jurisdiction:

906 (a) Section 787.01, relating to kidnapping.

907 (b) Section 787.02, relating to false imprisonment.

908 (c) Section 787.025, relating to luring or enticing a
909 child.

910 (d) Section 787.06, relating to human trafficking.

911 (e) Section 787.07, relating to human smuggling.

912 (f) Section 794.011, relating to sexual battery.

913 (g) Section 794.08, relating to female genital mutilation.

914 (h) Former s. 796.03, relating to procuring a person under
915 the age of 18 for prostitution.

916 (i) Former s. 796.035, relating to the selling or buying of
917 minors into prostitution.

918 (j) Section 796.04, relating to forcing, compelling, or
919 coercing another to become a prostitute.

920 (k) Section 796.05, relating to deriving support from the
921 proceeds of prostitution.

922 (l) Section 796.07(4)(a)3., relating to a felony of the
923 third degree for a third or subsequent violation of s. 796.07,
924 relating to prohibiting prostitution and related acts.

925 (m) Section 800.04, relating to lewd or lascivious offenses
926 committed upon or in the presence of persons less than 16 years
927 of age.

928 (n) Section 825.1025(2)(b), relating to lewd or lascivious

26-00334B-17

20171074__

929 offenses committed upon or in the presence of an elderly or
930 disabled person.

931 (o) Section 827.071, relating to sexual performance by a
932 child.

933 (p) Section 847.0133, relating to the protection of minors.

934 (q) Section 847.0135, relating to computer pornography.

935 (r) Section 847.0138, relating to the transmission of
936 material harmful to minors to a minor by electronic device or
937 equipment.

938 (s) Section 847.0145, relating to the selling or buying of
939 minors.

940 Section 19. Subsection (6) of section 491.0045, Florida
941 Statutes, is amended to read:

942 491.0045 Intern registration; requirements.-

943 (6) A registration issued on or before March 31, 2017,
944 expires March 31, 2022, and may not be renewed or reissued. Any
945 registration issued after March 31, 2017, expires 60 months
946 after the date it is issued. The board may make a one-time
947 exception to the deadlines and prohibitions of this subsection
948 in emergency or hardship cases, as defined by board rule, if ~~A~~
949 ~~subsequent intern registration may not be issued unless the~~
950 candidate has passed the theory and practice examination
951 described in s. 491.005(1)(d), (3)(d), and (4)(d).

952 Section 20. Paragraph (c) of subsection (3) and subsection
953 (4) of section 491.005, Florida Statutes, are amended to read:

954 491.005 Licensure by examination.-

955 (3) MARRIAGE AND FAMILY THERAPY.-Upon verification of
956 documentation and payment of a fee not to exceed \$200, as set by
957 board rule, plus the actual cost to the department for the

26-00334B-17

20171074__

958 purchase of the examination from the Association of Marital and
959 Family Therapy Regulatory Board, or similar national
960 organization, the department shall issue a license as a marriage
961 and family therapist to an applicant who the board certifies:

962 (c) Has had at least 2 years of clinical experience during
963 which 50 percent of the applicant's clients were receiving
964 marriage and family therapy services, which must be at the post-
965 master's level under the supervision of a licensed marriage and
966 family therapist with at least 5 years of experience, or the
967 equivalent, who is a qualified supervisor as determined by the
968 board. An individual who intends to practice in Florida to
969 satisfy the clinical experience requirements must register
970 pursuant to s. 491.0045 before commencing practice. If a
971 graduate has a master's degree with a major emphasis in marriage
972 and family therapy or a closely related field that did not
973 include all the coursework required under sub-subparagraphs
974 (b)1.a.-c., credit for the post-master's level clinical
975 experience shall not commence until the applicant has completed
976 a minimum of 10 of the courses required under sub-subparagraphs
977 (b)1.a.-c., as determined by the board, and at least 6 semester
978 hours or 9 quarter hours of the course credits must have been
979 completed in the area of marriage and family systems, theories,
980 or techniques. Within the 2 years ~~3 years~~ of required
981 experience, the applicant shall provide direct individual,
982 group, or family therapy and counseling, to include the
983 following categories of cases: unmarried dyads, married couples,
984 separating and divorcing couples, and family groups including
985 children. A doctoral internship may be applied toward the
986 clinical experience requirement. A licensed mental health

26-00334B-17

20171074__

987 professional must be on the premises when clinical services are
988 provided by a registered intern in a private practice setting.

989 (4) MENTAL HEALTH COUNSELING.—Upon verification of
990 documentation and payment of a fee not to exceed \$200, as set by
991 board rule, plus the actual per applicant cost to the department
992 for purchase of the National Clinical Mental Health Counselor
993 Examination, an examination managed by the National Board for
994 Certified Counselors or its successor ~~from the Professional~~
995 ~~Examination Service for the National Academy of Certified~~
996 ~~Clinical Mental Health Counselors or a similar national~~
997 ~~organization~~, the department shall issue a license as a mental
998 health counselor to an applicant who the board certifies:

999 (a) Has submitted an application and paid the appropriate
1000 fee.

1001 (b)1. Has a minimum of an earned master's degree from a
1002 mental health counseling program accredited by the Council for
1003 the Accreditation of Counseling and Related Educational Programs
1004 that consists of at least 60 semester hours or 80 quarter hours
1005 of clinical and didactic instruction, including a course in
1006 human sexuality and a course in substance abuse. If the master's
1007 degree is earned from a program related to the practice of
1008 mental health counseling that is not accredited by the Council
1009 for the Accreditation of Counseling and Related Educational
1010 Programs, then the coursework and practicum, internship, or
1011 fieldwork must consist of at least 60 semester hours or 80
1012 quarter hours and meet the following requirements:

1013 a. Thirty-three semester hours or 44 quarter hours of
1014 graduate coursework, which must include a minimum of 3 semester
1015 hours or 4 quarter hours of graduate-level coursework in each of

26-00334B-17

20171074__

1016 the following 11 content areas: counseling theories and
1017 practice; human growth and development; diagnosis and treatment
1018 of psychopathology; human sexuality; group theories and
1019 practice; individual evaluation and assessment; career and
1020 lifestyle assessment; research and program evaluation; social
1021 and cultural foundations; counseling in community settings; and
1022 substance abuse. Courses in research, thesis or dissertation
1023 work, practicums, internships, or fieldwork may not be applied
1024 toward this requirement.

1025 b. A minimum of 3 semester hours or 4 quarter hours of
1026 graduate-level coursework in legal, ethical, and professional
1027 standards issues in the practice of mental health counseling,
1028 which includes goals, objectives, and practices of professional
1029 counseling organizations, codes of ethics, legal considerations,
1030 standards of preparation, certifications and licensing, and the
1031 role identity and professional obligations of mental health
1032 counselors. Courses in research, thesis or dissertation work,
1033 practicums, internships, or fieldwork may not be applied toward
1034 this requirement.

1035 c. The equivalent, as determined by the board, of at least
1036 1,000 hours of university-sponsored supervised clinical
1037 practicum, internship, or field experience as required in the
1038 accrediting standards of the Council for Accreditation of
1039 Counseling and Related Educational Programs for mental health
1040 counseling programs. This experience may not be used to satisfy
1041 the post-master's clinical experience requirement.

1042 2. If the course title which appears on the applicant's
1043 transcript does not clearly identify the content of the
1044 coursework, the applicant shall be required to provide

26-00334B-17

20171074__

1045 additional documentation, including, but not limited to, a
1046 syllabus or catalog description published for the course.

1047
1048 Education and training in mental health counseling must have
1049 been received in an institution of higher education which at the
1050 time the applicant graduated was: fully accredited by a regional
1051 accrediting body recognized by the Commission on Recognition of
1052 Postsecondary Accreditation; publicly recognized as a member in
1053 good standing with the Association of Universities and Colleges
1054 of Canada; or an institution of higher education located outside
1055 the United States and Canada, which at the time the applicant
1056 was enrolled and at the time the applicant graduated maintained
1057 a standard of training substantially equivalent to the standards
1058 of training of those institutions in the United States which are
1059 accredited by a regional accrediting body recognized by the
1060 Commission on Recognition of Postsecondary Accreditation. Such
1061 foreign education and training must have been received in an
1062 institution or program of higher education officially recognized
1063 by the government of the country in which it is located as an
1064 institution or program to train students to practice as mental
1065 health counselors. The burden of establishing that the
1066 requirements of this provision have been met shall be upon the
1067 applicant, and the board shall require documentation, such as,
1068 but not limited to, an evaluation by a foreign equivalency
1069 determination service, as evidence that the applicant's graduate
1070 degree program and education were equivalent to an accredited
1071 program in this country.

1072 (c) Has had at least 2 years of clinical experience in
1073 mental health counseling, which must be at the post-master's

26-00334B-17

20171074__

1074 level under the supervision of a licensed mental health
1075 counselor or the equivalent who is a qualified supervisor as
1076 determined by the board. An individual who intends to practice
1077 in Florida to satisfy the clinical experience requirements must
1078 register pursuant to s. 491.0045 before commencing practice. If
1079 a graduate has a master's degree with a major related to the
1080 practice of mental health counseling that did not include all
1081 the coursework required under sub-subparagraphs (b)1.a.-b.,
1082 credit for the post-master's level clinical experience shall not
1083 commence until the applicant has completed a minimum of seven of
1084 the courses required under sub-subparagraphs (b)1.a.-b., as
1085 determined by the board, one of which must be a course in
1086 psychopathology or abnormal psychology. A doctoral internship
1087 may be applied toward the clinical experience requirement. A
1088 licensed mental health professional must be on the premises when
1089 clinical services are provided by a registered intern in a
1090 private practice setting.

1091 (d) Has passed a theory and practice examination provided
1092 by the department for this purpose.

1093 (e) Has demonstrated, in a manner designated by rule of the
1094 board, knowledge of the laws and rules governing the practice of
1095 clinical social work, marriage and family therapy, and mental
1096 health counseling.

1097 Section 21. Subsection (2) of section 491.009, Florida
1098 Statutes, is amended to read:

1099 491.009 Discipline.—

1100 (2) The board ~~department~~, or, in the case of certified
1101 master social workers ~~psychologists~~, the department ~~board~~, may
1102 enter an order denying licensure or imposing any of the

26-00334B-17

20171074__

1103 penalties in s. 456.072(2) against any applicant for licensure
1104 or licensee who is found guilty of violating any provision of
1105 subsection (1) of this section or who is found guilty of
1106 violating any provision of s. 456.072(1).

1107 Section 22. Paragraph (d) of subsection (1) and paragraph
1108 (k) of subsection (11) of section 893.055, Florida Statutes, are
1109 amended to read:

1110 893.055 Prescription drug monitoring program.—

1111 (1) As used in this section, the term:

1112 (d) "Health care practitioner" or "practitioner" means any
1113 practitioner who is subject to licensure or regulation by the
1114 department under chapter 458, chapter 459, chapter 461, chapter
1115 462, chapter 463, chapter 464, chapter 465, or chapter 466; or a
1116 health care provider of the United States Department of Veterans
1117 Affairs who is employed by the Federal Government and exempt
1118 from licensure under s. 456.023.

1119 (11) The department may establish a direct-support
1120 organization that has a board consisting of at least five
1121 members to provide assistance, funding, and promotional support
1122 for the activities authorized for the prescription drug
1123 monitoring program.

1124 (k) This subsection is repealed October 1, 2022 ~~October 1,~~
1125 ~~2017~~, unless reviewed and saved from repeal by the Legislature.

1126 Section 23. Except as otherwise expressly provided in this
1127 act, and except for this section, which shall take effect upon
1128 this act becoming a law, this act shall take effect July 1,
1129 2017.