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2018 Legislature

1
2 An act relating to nursing; amending s. 464.003, F.S.;
3 defining the term "advanced practice registered
4 nurse"; deleting the terms "advanced registered nurse
5 practitioner," "clinical nurse specialist," and
6 "clinical nurse specialist practice," to conform to
7 changes made by the act; repealing s. 464.0115, F.S.,
8 relating to the certification of clinical nurse
9 specialists; amending s. 464.012, F.S.; requiring any
10 nurse desiring to be licensed as an advanced practice
11 registered nurse to apply to the Department of Health,
12 submit proof that he or she holds a current license to
13 practice professional nursing, and meet one or more
14 specified requirements as determined by the Board of
15 Nursing; authorizing the board to adopt rules to
16 provide for provisional state licensure of certified
17 nurse midwives, certified nurse practitioners,
18 certified registered nurse anesthetists, clinical
19 nurse specialists, and psychiatric nurses for a
20 specified period of time; requiring the department and
21 the board to establish a transition process for
22 converting certain certified practitioners to licensed
23 practitioners; authorizing certain certified
24 practitioners to continue practicing advanced nursing
25 during a specified period of time; providing

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26 construction; providing an expiration date for
 27 provisions relating to the transition from
 28 certification to licensure; conforming provisions to
 29 changes made by the act; amending s. 960.28, F.S.;
 30 conforming a cross-reference; amending ss. 39.303,
 31 39.304, 90.503, 110.12315, 121.0515, 252.515, 310.071,
 32 310.073, 310.081, 320.0848, 381.00315, 381.00593,
 33 383.14, 383.141, 384.27, 390.0111, 390.012, 394.455,
 34 395.0191, 397.311, 397.4012, 397.427, 397.679,
 35 397.6793, 400.021, 400.462, 400.487, 400.506,
 36 400.9973, 400.9974, 400.9976, 400.9979, 401.445,
 37 409.905, 409.908, 409.973, 429.918, 456.0391,
 38 456.0392, 456.041, 456.048, 456.072, 456.44, 458.3265,
 39 458.331, 458.348, 459.0137, 459.015, 459.025, 464.003,
 40 464.004, 464.013, 464.015, 464.016, 464.018, 464.0205,
 41 467.003, 480.0475, 483.041, 483.801, 486.021, 490.012,
 42 491.0057, 491.012, 493.6108, 627.357, 627.6471,
 43 627.6472, 627.736, 633.412, 641.3923, 766.103,
 44 766.1115, 766.1116, 766.118, 794.08, 893.02, 893.05,
 45 943.13, 948.03, 1002.20, 1002.42, 1006.062, 1009.65,
 46 1009.66, and 1009.67, F.S.; conforming provisions to
 47 changes made by the act; providing effective dates.

48
 49 Be It Enacted by the Legislature of the State of Florida:
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51 Section 1. Subsections (3), (6), and (7) of section
 52 464.003, Florida Statutes, are amended, to read:

53 464.003 Definitions.—As used in this part, the term:

54 (3) "Advanced practice registered nurse" ~~"Advanced~~
 55 ~~registered nurse practitioner"~~ means any person licensed in this
 56 state to practice professional nursing and who is licensed
 57 ~~certified~~ in an advanced ~~or specialized~~ nursing practice,
 58 including certified nurse midwives, certified nurse
 59 practitioners, certified registered nurse anesthetists, clinical
 60 nurse specialists ~~certified nurse midwives,~~ and psychiatric
 61 nurses ~~nurse practitioners.~~

62 ~~(6) "Clinical nurse specialist" means any person licensed~~
 63 ~~in this state to practice professional nursing and certified in~~
 64 ~~clinical nurse specialist practice.~~

65 ~~(7) "Clinical nurse specialist practice" means the~~
 66 ~~delivery and management of advanced practice nursing care to~~
 67 ~~individuals or groups, including the ability to:~~

68 ~~(a) Assess the health status of individuals and families~~
 69 ~~using methods appropriate to the population and area of~~
 70 ~~practice.~~

71 ~~(b) Diagnose human responses to actual or potential health~~
 72 ~~problems.~~

73 ~~(c) Plan for health promotion, disease prevention, and~~
 74 ~~therapeutic intervention in collaboration with the patient or~~
 75 ~~client.~~

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76 ~~(d) Implement therapeutic interventions based on the nurse~~
 77 ~~specialist's area of expertise and within the scope of advanced~~
 78 ~~nursing practice, including, but not limited to, direct nursing~~
 79 ~~care, counseling, teaching, and collaboration with other~~
 80 ~~licensed health care providers.~~

81 ~~(e) Coordinate health care as necessary and appropriate~~
 82 ~~and evaluate with the patient or client the effectiveness of~~
 83 ~~care.~~

84 Section 2. Section 464.0115, Florida Statutes, is
 85 repealed.

86 Section 3. Section 464.012, Florida Statutes, as amended
 87 by section 3 of chapter 2017-134, section 8 of chapter 2016-139,
 88 and section 7 of chapter 2016-231, Laws of Florida, is amended
 89 to read:

90 464.012 Licensure Certification of advanced practice
 91 registered nurses ~~advanced registered nurse practitioners; fees;~~
 92 controlled substance prescribing.-

93 (1) Any nurse desiring to be licensed ~~certified~~ as an
 94 advanced practice registered nurse must ~~advanced registered~~
 95 ~~nurse practitioner shall~~ apply to the department and submit
 96 proof that he or she holds a current license to practice
 97 professional nursing or holds an active multistate license to
 98 practice professional nursing pursuant to s. 464.0095 and that
 99 he or she meets one or more of the following requirements as
 100 determined by the board:

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101 (a) Certification by an appropriate specialty board. Such
102 certification ~~is shall be~~ required for initial state licensure
103 ~~certification~~ and any licensure renewal ~~recertification~~ as a
104 certified nurse midwife, certified nurse practitioner, certified
105 registered nurse anesthetist, clinical nurse specialist, or
106 psychiatric nurse, ~~or nurse midwife~~. The board may by rule
107 provide for provisional state licensure ~~certification~~ of
108 ~~graduate~~ certified registered nurse anesthetists, clinical nurse
109 specialists, certified nurse practitioners, psychiatric nurses,
110 and certified nurse midwives for a period of time determined to
111 be appropriate for preparing for and passing the national
112 certification examination.

113 (b) Graduation from a program leading to a master's degree
114 in a nursing clinical specialty area with preparation in
115 specialized practitioner skills. For applicants graduating on or
116 after October 1, 1998, graduation from a master's degree program
117 ~~is shall be~~ required for initial licensure ~~certification~~ as a
118 certified nurse practitioner under paragraph (4) (a) ~~(4) (c)~~.

119 1. For applicants graduating on or after October 1, 2001,
120 graduation from a master's degree program ~~is shall be~~ required
121 for initial licensure ~~certification~~ as a certified registered
122 nurse anesthetist who may perform the acts listed in ~~under~~
123 paragraph (4) (b) ~~(4) (a)~~.

124 2. For applicants graduating on or after October 1, 1998,
125 graduation from a master's degree program is required for

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126 initial licensure as a certified nurse midwife who may perform
 127 the acts listed in paragraph (4) (c).

128 3. For applicants graduating on or after July 1, 2007,
 129 graduation from a master's degree program is required for
 130 initial licensure as a clinical nurse specialist who may perform
 131 the acts listed in paragraph (4) (d).

132 (2) (a) The board shall provide by rule the appropriate
 133 requirements for advanced practice registered nurses for
 134 ~~advanced registered nurse practitioners~~ in the advanced nursing
 135 practices categories of certified nurse midwives, certified
 136 nurse practitioners, certified registered nurse anesthetists
 137 ~~anesthetist, clinical certified nurse specialists midwife,~~ and
 138 psychiatric nurses nurse practitioner.

139 (3) An advanced practice registered nurse ~~advanced~~
 140 ~~registered nurse practitioner~~ shall perform those functions
 141 authorized in this section within the framework of an
 142 established protocol that ~~which~~ must be maintained on site at
 143 the location or locations at which an advanced practice
 144 registered nurse ~~advanced registered nurse practitioner~~
 145 practices. In the case of multiple supervising physicians in the
 146 same group, an advanced practice registered nurse ~~advanced~~
 147 ~~registered nurse practitioner~~ must enter into a supervisory
 148 protocol with at least one physician within the physician group
 149 practice. A practitioner currently licensed under chapter 458,
 150 chapter 459, or chapter 466 shall maintain supervision for

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151 directing the specific course of medical treatment. Within the
 152 established framework, an advanced practice registered nurse
 153 ~~advanced registered nurse practitioner~~ may:

154 (a) Prescribe, dispense, administer, or order any drug;
 155 however, an advanced practice registered nurse ~~advanced~~
 156 ~~registered nurse practitioner~~ may prescribe or dispense a
 157 controlled substance as defined in s. 893.03 only if the
 158 advanced practice registered nurse ~~advanced registered nurse~~
 159 ~~practitioner~~ has graduated from a program leading to a master's
 160 or doctoral degree in a clinical nursing specialty area with
 161 training in specialized practitioner skills.

162 (b) Initiate appropriate therapies for certain conditions.

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

165 (d) Order diagnostic tests and physical and occupational
 166 therapy.

167 (e) Order any medication for administration to a patient
 168 in a facility licensed under chapter 395 or part II of chapter
 169 400, notwithstanding any provisions in chapter 465 or chapter
 170 893.

171 (4) In addition to the general functions specified in
 172 subsection (3), an advanced practice registered nurse ~~advanced~~
 173 ~~registered nurse practitioner~~ may perform the following acts
 174 within his or her specialty:

175 (a) The certified nurse practitioner may perform any or

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176 | all of the following acts within the framework of established
177 | protocol:

- 178 | 1. Manage selected medical problems.
179 | 2. Order physical and occupational therapy.
180 | 3. Initiate, monitor, or alter therapies for certain
181 | uncomplicated acute illnesses.
182 | 4. Monitor and manage patients with stable chronic
183 | diseases.
184 | 5. Establish behavioral problems and diagnosis and make
185 | treatment recommendations.

186 | ~~(b)(a)~~ The certified registered nurse anesthetist may, to
187 | the extent authorized by established protocol approved by the
188 | medical staff of the facility in which the anesthetic service is
189 | performed, perform any or all of the following:

- 190 | 1. Determine the health status of the patient as it
191 | relates to the risk factors and to the anesthetic management of
192 | the patient through the performance of the general functions.
193 | 2. Based on history, physical assessment, and supplemental
194 | laboratory results, determine, with the consent of the
195 | responsible physician, the appropriate type of anesthesia within
196 | the framework of the protocol.
197 | 3. Order under the protocol preanesthetic medication.
198 | 4. Perform under the protocol procedures commonly used to
199 | render the patient insensible to pain during the performance of
200 | surgical, obstetrical, therapeutic, or diagnostic clinical

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201 | procedures. These procedures include ordering and administering
202 | regional, spinal, and general anesthesia; inhalation agents and
203 | techniques; intravenous agents and techniques; and techniques of
204 | hypnosis.

205 | 5. Order or perform monitoring procedures indicated as
206 | pertinent to the anesthetic health care management of the
207 | patient.

208 | 6. Support life functions during anesthesia health care,
209 | including induction and intubation procedures, the use of
210 | appropriate mechanical supportive devices, and the management of
211 | fluid, electrolyte, and blood component balances.

212 | 7. Recognize and take appropriate corrective action for
213 | abnormal patient responses to anesthesia, adjunctive medication,
214 | or other forms of therapy.

215 | 8. Recognize and treat a cardiac arrhythmia while the
216 | patient is under anesthetic care.

217 | 9. Participate in management of the patient while in the
218 | postanesthesia recovery area, including ordering the
219 | administration of fluids and drugs.

220 | 10. Place special peripheral and central venous and
221 | arterial lines for blood sampling and monitoring as appropriate.

222 | (c) ~~(b)~~ The certified nurse midwife may, to the extent
223 | authorized by an established protocol which has been approved by
224 | the medical staff of the health care facility in which the
225 | midwifery services are performed, or approved by the nurse

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226 | midwife's physician backup when the delivery is performed in a
 227 | patient's home, perform any or all of the following:

- 228 | 1. Perform superficial minor surgical procedures.
- 229 | 2. Manage the patient during labor and delivery to include
 230 | amniotomy, episiotomy, and repair.
- 231 | 3. Order, initiate, and perform appropriate anesthetic
 232 | procedures.
- 233 | 4. Perform postpartum examination.
- 234 | 5. Order appropriate medications.
- 235 | 6. Provide family-planning services and well-woman care.
- 236 | 7. Manage the medical care of the normal obstetrical
 237 | patient and the initial care of a newborn patient.

238 | (d) The clinical nurse specialist may perform any or all
 239 | of the following acts within the framework of established
 240 | protocol:

- 241 | 1. Assess the health status of individuals and families
 242 | using methods appropriate to the population and area of
 243 | practice.
- 244 | 2. Diagnose human responses to actual or potential health
 245 | problems.
- 246 | 3. Plan for health promotion, disease prevention, and
 247 | therapeutic intervention in collaboration with the patient or
 248 | client.
- 249 | 4. Implement therapeutic interventions based on the nurse
 250 | specialist's area of expertise and within the scope of advanced

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251 nursing practice, including, but not limited to, direct nursing
252 care, counseling, teaching, and collaboration with other
253 licensed health care providers.

254 5. Coordinate health care as necessary and appropriate and
255 evaluate with the patient or client the effectiveness of care.

256 ~~(c) The nurse practitioner may perform any or all of the~~
257 ~~following acts within the framework of established protocol:~~

258 ~~1. Manage selected medical problems.~~

259 ~~2. Order physical and occupational therapy.~~

260 ~~3. Initiate, monitor, or alter therapies for certain~~
261 ~~uncomplicated acute illnesses.~~

262 ~~4. Monitor and manage patients with stable chronic~~
263 ~~diseases.~~

264 ~~5. Establish behavioral problems and diagnosis and make~~
265 ~~treatment recommendations.~~

266 (e)(5) A psychiatric nurse, who meets the requirements in
267 s. 394.455(35) as defined in s. 394.455, within the framework of
268 an established protocol with a psychiatrist, may prescribe
269 psychotropic controlled substances for the treatment of mental
270 disorders.

271 (5)(6) The board shall approve for licensure ~~certify~~, and
272 the department shall issue a license ~~certificate~~ to, any nurse
273 meeting the qualifications in this section. The board shall
274 establish an application fee not to exceed \$100 and a biennial
275 renewal fee not to exceed \$50. The board is authorized to adopt

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276 | such other rules as are necessary to implement the provisions of
 277 | this section.

278 | (6)~~(7)~~(a) The board shall establish a committee to
 279 | recommend a formulary of controlled substances that an advanced
 280 | practice registered nurse ~~advanced registered nurse practitioner~~
 281 | may not prescribe or may prescribe only for specific uses or in
 282 | limited quantities. The committee must consist of three advanced
 283 | practice registered nurses ~~advanced registered nurse~~
 284 | ~~practitioners~~ licensed under this section, recommended by the
 285 | board; three physicians licensed under chapter 458 or chapter
 286 | 459 who have work experience with advanced practice registered
 287 | nurses ~~advanced registered nurse practitioners~~, recommended by
 288 | the Board of Medicine; and a pharmacist licensed under chapter
 289 | 465 who is a doctor of pharmacy, recommended by the Board of
 290 | Pharmacy. The committee may recommend an evidence-based
 291 | formulary applicable to all advanced practice registered nurses
 292 | ~~advanced registered nurse practitioners~~ which is limited by
 293 | specialty certification, is limited to approved uses of
 294 | controlled substances, or is subject to other similar
 295 | restrictions the committee finds are necessary to protect the
 296 | health, safety, and welfare of the public. The formulary must
 297 | restrict the prescribing of psychiatric mental health controlled
 298 | substances for children younger than 18 years of age to advanced
 299 | practice registered nurses ~~advanced registered nurse~~
 300 | ~~practitioners~~ who also are psychiatric nurses as defined in s.

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301 394.455. The formulary must also limit the prescribing of
 302 Schedule II controlled substances as listed in s. 893.03 to a 7-
 303 day supply, except that such restriction does not apply to
 304 controlled substances that are psychiatric medications
 305 prescribed by psychiatric nurses as defined in s. 394.455.

306 (b) The board shall adopt by rule the recommended
 307 formulary and any revision to the formulary which it finds is
 308 supported by evidence-based clinical findings presented by the
 309 Board of Medicine, the Board of Osteopathic Medicine, or the
 310 Board of Dentistry.

311 (c) The formulary required under this subsection does not
 312 apply to a controlled substance that is dispensed for
 313 administration pursuant to an order, including an order for
 314 medication authorized by subparagraph (4) (b)3., subparagraph
 315 (4) (b)4., or subparagraph (4) (b)9 ~~subparagraph (4) (a)3.,~~
 316 ~~subparagraph (4) (a)4., or subparagraph (4) (a)9.~~

317 (d) The board shall adopt the committee's initial
 318 recommendation no later than October 31, 2016.

319 ~~(7)-(8)~~ This section shall be known as "The Barbara Lumpkin
 320 Prescribing Act."

321 (8) The department and board shall establish a transition
 322 timeline and process for practitioners certified as of September
 323 30, 2018, as advanced registered nurse practitioners or clinical
 324 nurse specialists, to convert a certificate in good standing to
 325 a license that becomes effective on October 1, 2018, to practice

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326 as an advanced practice registered nurse. An advanced registered
327 nurse practitioner or a clinical nurse specialist holding a
328 certificate to practice in good standing on September 30, 2018,
329 may continue to practice with all rights, authorizations, and
330 responsibilities under this section for licensure as an advanced
331 practice registered nurse and may use the applicable title under
332 s. 464.015 after the effective date of this act while the
333 department and board complete the transition from certification
334 to licensure, as established under this act. This subsection may
335 not be construed to limit or restrict the department's or
336 board's disciplinary authority or enforcement responsibilities
337 for safe nursing practice. This subsection expires on October 1,
338 2020.

339 Section 4. Subsection (2) of section 960.28, Florida
340 Statutes, is amended to read:

341 960.28 Payment for victims' initial forensic physical
342 examinations.—

343 (2) The Crime Victims' Services Office of the department
344 shall pay for medical expenses connected with an initial
345 forensic physical examination of a victim of sexual battery as
346 defined in chapter 794 or a lewd or lascivious offense as
347 defined in chapter 800. Such payment shall be made regardless of
348 whether the victim is covered by health or disability insurance
349 and whether the victim participates in the criminal justice
350 system or cooperates with law enforcement. The payment shall be

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351 made only out of moneys allocated to the Crime Victims' Services
352 Office for the purposes of this section, and the payment may not
353 exceed \$500 with respect to any violation. The department shall
354 develop and maintain separate protocols for the initial forensic
355 physical examination of adults and children. Payment under this
356 section is limited to medical expenses connected with the
357 initial forensic physical examination, and payment may be made
358 to a medical provider using an examiner qualified under part I
359 of chapter 464, excluding s. 464.003(14) ~~s. 464.003(16)~~; chapter
360 458; or chapter 459. Payment made to the medical provider by the
361 department shall be considered by the provider as payment in
362 full for the initial forensic physical examination associated
363 with the collection of evidence. The victim may not be required
364 to pay, directly or indirectly, the cost of an initial forensic
365 physical examination performed in accordance with this section.

366 Section 5. Paragraph (c) of subsection (5) and paragraph
367 (a) of subsection (6) of section 39.303, Florida Statutes, are
368 amended to read:

369 39.303 Child protection teams and sexual abuse treatment
370 programs; services; eligible cases.—

371 (5) All abuse and neglect cases transmitted for
372 investigation to a circuit by the hotline must be simultaneously
373 transmitted to the child protection team for review. For the
374 purpose of determining whether a face-to-face medical evaluation
375 by a child protection team is necessary, all cases transmitted

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376 to the child protection team which meet the criteria in
 377 subsection (4) must be timely reviewed by:

378 (c) An advanced practice registered nurse ~~advanced~~
 379 ~~registered nurse practitioner~~ licensed under chapter 464 who has
 380 a specialty in pediatrics or family medicine and is a member of
 381 a child protection team;

382 (6) A face-to-face medical evaluation by a child
 383 protection team is not necessary when:

384 (a) The child was examined for the alleged abuse or
 385 neglect by a physician who is not a member of the child
 386 protection team, and a consultation between the child protection
 387 team medical director or a child protection team board-certified
 388 pediatrician, advanced practice registered nurse ~~advanced~~
 389 ~~registered nurse practitioner~~, physician assistant working under
 390 the supervision of a child protection team medical director or a
 391 child protection team board-certified pediatrician, or
 392 registered nurse working under the direct supervision of a child
 393 protection team medical director or a child protection team
 394 board-certified pediatrician, and the examining physician
 395 concludes that a further medical evaluation is unnecessary;

396
 397 Notwithstanding paragraphs (a), (b), and (c), a child protection
 398 team medical director or a child protection team pediatrician,
 399 as authorized in subsection (5), may determine that a face-to-
 400 face medical evaluation is necessary.

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401 Section 6. Paragraph (b) of subsection (1) of section
 402 39.304, Florida Statutes, is amended to read:

403 39.304 Photographs, medical examinations, X rays, and
 404 medical treatment of abused, abandoned, or neglected child.—

405 (1)

406 (b) If the areas of trauma visible on a child indicate a
 407 need for a medical examination, or if the child verbally
 408 complains or otherwise exhibits distress as a result of injury
 409 through suspected child abuse, abandonment, or neglect, or is
 410 alleged to have been sexually abused, the person required to
 411 investigate may cause the child to be referred for diagnosis to
 412 a licensed physician or an emergency department in a hospital
 413 without the consent of the child's parents or legal custodian.
 414 Such examination may be performed by any licensed physician or
 415 an advanced practice registered nurse ~~advanced registered nurse~~
 416 ~~practitioner~~ licensed pursuant to part I of chapter 464. Any
 417 licensed physician~~7~~ or advanced practice registered nurse
 418 ~~advanced registered nurse practitioner~~ licensed pursuant to part
 419 I of chapter 464~~7~~ who has reasonable cause to suspect that an
 420 injury was the result of child abuse, abandonment, or neglect
 421 may authorize a radiological examination to be performed on the
 422 child without the consent of the child's parent or legal
 423 custodian.

424 Section 7. Paragraph (a) of subsection (1) of section
 425 90.503, Florida Statutes, is amended to read:

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426 | 90.503 Psychotherapist-patient privilege.-

427 | (1) For purposes of this section:

428 | (a) A "psychotherapist" is:

429 | 1. A person authorized to practice medicine in any state
 430 | or nation, or reasonably believed by the patient so to be, who
 431 | is engaged in the diagnosis or treatment of a mental or
 432 | emotional condition, including alcoholism and other drug
 433 | addiction;

434 | 2. A person licensed or certified as a psychologist under
 435 | the laws of any state or nation, who is engaged primarily in the
 436 | diagnosis or treatment of a mental or emotional condition,
 437 | including alcoholism and other drug addiction;

438 | 3. A person licensed or certified as a clinical social
 439 | worker, marriage and family therapist, or mental health
 440 | counselor under the laws of this state, who is engaged primarily
 441 | in the diagnosis or treatment of a mental or emotional
 442 | condition, including alcoholism and other drug addiction;

443 | 4. Treatment personnel of facilities licensed by the state
 444 | pursuant to chapter 394, chapter 395, or chapter 397, of
 445 | facilities designated by the Department of Children and Families
 446 | pursuant to chapter 394 as treatment facilities, or of
 447 | facilities defined as community mental health centers pursuant
 448 | to s. 394.907(1), who are engaged primarily in the diagnosis or
 449 | treatment of a mental or emotional condition, including
 450 | alcoholism and other drug addiction; or

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451 5. An advanced practice registered nurse licensed ~~advanced~~
 452 ~~registered nurse practitioner certified~~ under s. 464.012, whose
 453 primary scope of practice is the diagnosis or treatment of
 454 mental or emotional conditions, including chemical abuse, and
 455 limited only to actions performed in accordance with part I of
 456 chapter 464.

457 Section 8. Paragraph (d) of subsection (2) of section
 458 110.12315, Florida Statutes, is amended to read:

459 110.12315 Prescription drug program.—The state employees'
 460 prescription drug program is established. This program shall be
 461 administered by the Department of Management Services, according
 462 to the terms and conditions of the plan as established by the
 463 relevant provisions of the annual General Appropriations Act and
 464 implementing legislation, subject to the following conditions:

465 (2) In providing for reimbursement of pharmacies for
 466 prescription drugs and supplies dispensed to members of the
 467 state group health insurance plan and their dependents under the
 468 state employees' prescription drug program:

469 (d) The department shall establish the reimbursement
 470 schedule for prescription drugs and supplies dispensed under the
 471 program. Reimbursement rates for a prescription drug or supply
 472 must be based on the cost of the generic equivalent drug or
 473 supply if a generic equivalent exists, unless the physician,
 474 advanced practice registered nurse ~~advanced registered nurse~~
 475 ~~practitioner~~, or physician assistant prescribing the drug or

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476 supply clearly states on the prescription that the brand name
 477 drug or supply is medically necessary or that the drug or supply
 478 is included on the formulary of drugs and supplies that may not
 479 be interchanged as provided in chapter 465, in which case
 480 reimbursement must be based on the cost of the brand name drug
 481 or supply as specified in the reimbursement schedule adopted by
 482 the department.

483 Section 9. Paragraph (f) of subsection (3) of section
 484 121.0515, Florida Statutes, is amended to read:

485 121.0515 Special Risk Class.—

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

488 (f) Effective January 1, 2001, the member must be employed
 489 in one of the following classes and must spend at least 75
 490 percent of his or her time performing duties which involve
 491 contact with patients or inmates in a correctional or forensic
 492 facility or institution:

- 493 1. Dietitian (class codes 5203 and 5204);
- 494 2. Public health nutrition consultant (class code 5224);
- 495 3. Psychological specialist (class codes 5230 and 5231);
- 496 4. Psychologist (class code 5234);
- 497 5. Senior psychologist (class codes 5237 and 5238);
- 498 6. Regional mental health consultant (class code 5240);
- 499 7. Psychological Services Director—DCF (class code 5242);
- 500 8. Pharmacist (class codes 5245 and 5246);

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- 501 9. Senior pharmacist (class codes 5248 and 5249);
- 502 10. Dentist (class code 5266);
- 503 11. Senior dentist (class code 5269);
- 504 12. Registered nurse (class codes 5290 and 5291);
- 505 13. Senior registered nurse (class codes 5292 and 5293);
- 506 14. Registered nurse specialist (class codes 5294 and
- 507 5295);
- 508 15. Clinical associate (class codes 5298 and 5299);
- 509 16. Advanced practice registered nurse ~~Advanced registered~~
- 510 ~~nurse practitioner~~ (class codes 5297 and 5300);
- 511 17. Advanced practice registered nurse ~~Advanced registered~~
- 512 ~~nurse practitioner~~ specialist (class codes 5304 and 5305);
- 513 18. Registered nurse supervisor (class codes 5306 and
- 514 5307);
- 515 19. Senior registered nurse supervisor (class codes 5308
- 516 and 5309);
- 517 20. Registered nursing consultant (class codes 5312 and
- 518 5313);
- 519 21. Quality management program supervisor (class code
- 520 5314);
- 521 22. Executive nursing director (class codes 5320 and
- 522 5321);
- 523 23. Speech and hearing therapist (class code 5406); or
- 524 24. Pharmacy manager (class code 5251);
- 525 Section 10. Paragraph (a) of subsection (3) of section

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526 | 252.515, Florida Statutes, is amended to read:
 527 | 252.515 Postdisaster Relief Assistance Act; immunity from
 528 | civil liability.—
 529 | (3) As used in this section, the term:
 530 | (a) "Emergency first responder" means:
 531 | 1. A physician licensed under chapter 458.
 532 | 2. An osteopathic physician licensed under chapter 459.
 533 | 3. A chiropractic physician licensed under chapter 460.
 534 | 4. A podiatric physician licensed under chapter 461.
 535 | 5. A dentist licensed under chapter 466.
 536 | 6. An advanced practice registered nurse licensed ~~advanced~~
 537 | ~~registered nurse practitioner certified~~ under s. 464.012.
 538 | 7. A physician assistant licensed under s. 458.347 or s.
 539 | 459.022.
 540 | 8. A worker employed by a public or private hospital in
 541 | the state.
 542 | 9. A paramedic as defined in s. 401.23(17).
 543 | 10. An emergency medical technician as defined in s.
 544 | 401.23(11).
 545 | 11. A firefighter as defined in s. 633.102.
 546 | 12. A law enforcement officer as defined in s. 943.10.
 547 | 13. A member of the Florida National Guard.
 548 | 14. Any other personnel designated as emergency personnel
 549 | by the Governor pursuant to a declared emergency.
 550 | Section 11. Paragraph (c) of subsection (1) of section

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551 310.071, Florida Statutes, is amended to read:

552 310.071 Deputy pilot certification.—

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

556 (c) Be in good physical and mental health, as evidenced by
557 documentary proof of having satisfactorily passed a complete
558 physical examination administered by a licensed physician within
559 the preceding 6 months. The board shall adopt rules to establish
560 requirements for passing the physical examination, which rules
561 shall establish minimum standards for the physical or mental
562 capabilities necessary to carry out the professional duties of a
563 certificated deputy pilot. Such standards shall include zero
564 tolerance for any controlled substance regulated under chapter
565 893 unless that individual is under the care of a physician, an
566 advanced practice registered nurse ~~advanced registered nurse~~
567 ~~practitioner~~, or a physician assistant and that controlled
568 substance was prescribed by that physician, advanced practice
569 registered nurse ~~advanced registered nurse practitioner~~, or
570 physician assistant. To maintain eligibility as a certificated
571 deputy pilot, each certificated deputy pilot must annually
572 provide documentary proof of having satisfactorily passed a
573 complete physical examination administered by a licensed
574 physician. The physician must know the minimum standards and
575 certify that the certificateholder satisfactorily meets the

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576 standards. The standards for certificateholders shall include a
 577 drug test.

578 Section 12. Subsection (3) of section 310.073, Florida
 579 Statutes, is amended to read:

580 310.073 State pilot licensing.—In addition to meeting
 581 other requirements specified in this chapter, each applicant for
 582 license as a state pilot must:

583 (3) Be in good physical and mental health, as evidenced by
 584 documentary proof of having satisfactorily passed a complete
 585 physical examination administered by a licensed physician within
 586 the preceding 6 months. The board shall adopt rules to establish
 587 requirements for passing the physical examination, which rules
 588 shall establish minimum standards for the physical or mental
 589 capabilities necessary to carry out the professional duties of a
 590 licensed state pilot. Such standards shall include zero
 591 tolerance for any controlled substance regulated under chapter
 592 893 unless that individual is under the care of a physician, an
 593 advanced practice registered nurse ~~advanced registered nurse~~
 594 ~~practitioner~~, or a physician assistant and that controlled
 595 substance was prescribed by that physician, advanced practice
 596 registered nurse ~~advanced registered nurse practitioner~~, or
 597 physician assistant. To maintain eligibility as a licensed state
 598 pilot, each licensed state pilot must annually provide
 599 documentary proof of having satisfactorily passed a complete
 600 physical examination administered by a licensed physician. The

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601 physician must know the minimum standards and certify that the
 602 licensee satisfactorily meets the standards. The standards for
 603 licensees shall include a drug test.

604 Section 13. Paragraph (b) of subsection (3) of section
 605 310.081, Florida Statutes, is amended to read:

606 310.081 Department to examine and license state pilots and
 607 certificate deputy pilots; vacancies.—

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

610 (b) Are in good physical and mental health as evidenced by
 611 documentary proof of having satisfactorily passed a physical
 612 examination administered by a licensed physician or physician
 613 assistant within each calendar year. The board shall adopt rules
 614 to establish requirements for passing the physical examination,
 615 which rules shall establish minimum standards for the physical
 616 or mental capabilities necessary to carry out the professional
 617 duties of a licensed state pilot or a certificated deputy pilot.
 618 Such standards shall include zero tolerance for any controlled
 619 substance regulated under chapter 893 unless that individual is
 620 under the care of a physician, an advanced practice registered
 621 nurse ~~advanced registered nurse practitioner~~, or a physician
 622 assistant and that controlled substance was prescribed by that
 623 physician, advanced practice registered nurse ~~advanced~~
 624 ~~registered nurse practitioner~~, or physician assistant. To
 625 maintain eligibility as a certificated deputy pilot or licensed

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626 state pilot, each certificated deputy pilot or licensed state
 627 pilot must annually provide documentary proof of having
 628 satisfactorily passed a complete physical examination
 629 administered by a licensed physician. The physician must know
 630 the minimum standards and certify that the certificateholder or
 631 licensee satisfactorily meets the standards. The standards for
 632 certificateholders and for licensees shall include a drug test.

633

634 Upon resignation or in the case of disability permanently
 635 affecting a pilot's ability to serve, the state license or
 636 certificate issued under this chapter shall be revoked by the
 637 department.

638 Section 14. Paragraph (b) of subsection (1) of section
 639 320.0848, Florida Statutes, is amended to read:

640 320.0848 Persons who have disabilities; issuance of
 641 disabled parking permits; temporary permits; permits for certain
 642 providers of transportation services to persons who have
 643 disabilities.—

644 (1)

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

649 a. Inability to walk without the use of or assistance from
 650 a brace, cane, crutch, prosthetic device, or other assistive

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651 device, or without the assistance of another person. If the
652 assistive device significantly restores the person's ability to
653 walk to the extent that the person can walk without severe
654 limitation, the person is not eligible for the exemption parking
655 permit.

656 b. The need to permanently use a wheelchair.

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

662 d. Use of portable oxygen.

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

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

669 2. The certification of disability which is required under
670 subparagraph 1. must be provided by a physician licensed under
671 chapter 458, chapter 459, or chapter 460, by a podiatric
672 physician licensed under chapter 461, by an optometrist licensed
673 under chapter 463, by an advanced practice registered nurse
674 ~~advanced registered nurse practitioner~~ licensed under chapter
675 464 under the protocol of a licensed physician as stated in this

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676 subparagraph, by a physician assistant licensed under chapter
 677 458 or chapter 459, or by a similarly licensed physician from
 678 another state if the application is accompanied by documentation
 679 of the physician's licensure in the other state and a form
 680 signed by the out-of-state physician verifying his or her
 681 knowledge of this state's eligibility guidelines.

682 Section 15. Paragraph (c) of subsection (1) of section
 683 381.00315, Florida Statutes, is amended to read:

684 381.00315 Public health advisories; public health
 685 emergencies; isolation and quarantines.—The State Health Officer
 686 is responsible for declaring public health emergencies, issuing
 687 public health advisories, and ordering isolation or quarantines.

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

689 (c) "Public health emergency" means any occurrence, or
 690 threat thereof, whether natural or manmade, which results or may
 691 result in substantial injury or harm to the public health from
 692 infectious disease, chemical agents, nuclear agents, biological
 693 toxins, or situations involving mass casualties or natural
 694 disasters. Before declaring a public health emergency, the State
 695 Health Officer shall, to the extent possible, consult with the
 696 Governor and shall notify the Chief of Domestic Security. The
 697 declaration of a public health emergency shall continue until
 698 the State Health Officer finds that the threat or danger has
 699 been dealt with to the extent that the emergency conditions no
 700 longer exist and he or she terminates the declaration. However,

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701 a declaration of a public health emergency may not continue for
702 longer than 60 days unless the Governor concurs in the renewal
703 of the declaration. The State Health Officer, upon declaration
704 of a public health emergency, may take actions that are
705 necessary to protect the public health. Such actions include,
706 but are not limited to:

707 1. Directing manufacturers of prescription drugs or over-
708 the-counter drugs who are permitted under chapter 499 and
709 wholesalers of prescription drugs located in this state who are
710 permitted under chapter 499 to give priority to the shipping of
711 specified drugs to pharmacies and health care providers within
712 geographic areas that have been identified by the State Health
713 Officer. The State Health Officer must identify the drugs to be
714 shipped. Manufacturers and wholesalers located in the state must
715 respond to the State Health Officer's priority shipping
716 directive before shipping the specified drugs.

717 2. Notwithstanding chapters 465 and 499 and rules adopted
718 thereunder, directing pharmacists employed by the department to
719 compound bulk prescription drugs and provide these bulk
720 prescription drugs to physicians and nurses of county health
721 departments or any qualified person authorized by the State
722 Health Officer for administration to persons as part of a
723 prophylactic or treatment regimen.

724 3. Notwithstanding s. 456.036, temporarily reactivating
725 the inactive license of the following health care practitioners,

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726 when such practitioners are needed to respond to the public
727 health emergency: physicians licensed under chapter 458 or
728 chapter 459; physician assistants licensed under chapter 458 or
729 chapter 459; licensed practical nurses, registered nurses, and
730 advanced practice registered nurses ~~advanced registered nurse~~
731 ~~practitioners~~ licensed under part I of chapter 464; respiratory
732 therapists licensed under part V of chapter 468; and emergency
733 medical technicians and paramedics certified under part III of
734 chapter 401. Only those health care practitioners specified in
735 this paragraph who possess an unencumbered inactive license and
736 who request that such license be reactivated are eligible for
737 reactivation. An inactive license that is reactivated under this
738 paragraph shall return to inactive status when the public health
739 emergency ends or before the end of the public health emergency
740 if the State Health Officer determines that the health care
741 practitioner is no longer needed to provide services during the
742 public health emergency. Such licenses may only be reactivated
743 for a period not to exceed 90 days without meeting the
744 requirements of s. 456.036 or chapter 401, as applicable.

745 4. Ordering an individual to be examined, tested,
746 vaccinated, treated, isolated, or quarantined for communicable
747 diseases that have significant morbidity or mortality and
748 present a severe danger to public health. Individuals who are
749 unable or unwilling to be examined, tested, vaccinated, or
750 treated for reasons of health, religion, or conscience may be

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751 | subjected to isolation or quarantine.

752 | a. Examination, testing, vaccination, or treatment may be
753 | performed by any qualified person authorized by the State Health
754 | Officer.

755 | b. If the individual poses a danger to the public health,
756 | the State Health Officer may subject the individual to isolation
757 | or quarantine. If there is no practical method to isolate or
758 | quarantine the individual, the State Health Officer may use any
759 | means necessary to vaccinate or treat the individual.

760 |
761 | Any order of the State Health Officer given to effectuate this
762 | paragraph shall be immediately enforceable by a law enforcement
763 | officer under s. 381.0012.

764 | Section 16. Subsection (3) of section 381.00593, Florida
765 | Statutes, is amended to read:

766 | 381.00593 Public school volunteer health care practitioner
767 | program.—

768 | (3) For purposes of this section, the term "health care
769 | practitioner" means a physician licensed under chapter 458; an
770 | osteopathic physician licensed under chapter 459; a chiropractic
771 | physician licensed under chapter 460; a podiatric physician
772 | licensed under chapter 461; an optometrist licensed under
773 | chapter 463; an advanced practice registered nurse ~~advanced~~
774 | ~~registered nurse practitioner~~, registered nurse, or licensed
775 | practical nurse licensed under part I of chapter 464; a

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776 pharmacist licensed under chapter 465; a dentist or dental
 777 hygienist licensed under chapter 466; a midwife licensed under
 778 chapter 467; a speech-language pathologist or audiologist
 779 licensed under part I of chapter 468; a dietitian/nutritionist
 780 licensed under part X of chapter 468; or a physical therapist
 781 licensed under chapter 486.

782 Section 17. Paragraph (c) of subsection (1) of section
 783 383.14, Florida Statutes, is amended to read:

784 383.14 Screening for metabolic disorders, other hereditary
 785 and congenital disorders, and environmental risk factors.—

786 (1) SCREENING REQUIREMENTS.—To help ensure access to the
 787 maternal and child health care system, the Department of Health
 788 shall promote the screening of all newborns born in Florida for
 789 metabolic, hereditary, and congenital disorders known to result
 790 in significant impairment of health or intellect, as screening
 791 programs accepted by current medical practice become available
 792 and practical in the judgment of the department. The department
 793 shall also promote the identification and screening of all
 794 newborns in this state and their families for environmental risk
 795 factors such as low income, poor education, maternal and family
 796 stress, emotional instability, substance abuse, and other high-
 797 risk conditions associated with increased risk of infant
 798 mortality and morbidity to provide early intervention,
 799 remediation, and prevention services, including, but not limited
 800 to, parent support and training programs, home visitation, and

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801 case management. Identification, perinatal screening, and
802 intervention efforts shall begin prior to and immediately
803 following the birth of the child by the attending health care
804 provider. Such efforts shall be conducted in hospitals,
805 perinatal centers, county health departments, school health
806 programs that provide prenatal care, and birthing centers, and
807 reported to the Office of Vital Statistics.

808 (c) Release of screening results.—Notwithstanding any law
809 to the contrary, the State Public Health Laboratory may release,
810 directly or through the Children's Medical Services program, the
811 results of a newborn's hearing and metabolic tests or screenings
812 to the newborn's health care practitioner, the newborn's parent
813 or legal guardian, the newborn's personal representative, or a
814 person designated by the newborn's parent or legal guardian. As
815 used in this paragraph, the term "health care practitioner"
816 means a physician or physician assistant licensed under chapter
817 458; an osteopathic physician or physician assistant licensed
818 under chapter 459; an advanced practice registered nurse
819 ~~advanced registered nurse practitioner~~, registered nurse, or
820 licensed practical nurse licensed under part I of chapter 464; a
821 midwife licensed under chapter 467; a speech-language
822 pathologist or audiologist licensed under part I of chapter 468;
823 or a dietician or nutritionist licensed under part X of chapter
824 468.

825 Section 18. Paragraph (c) of subsection (1) of section

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826 | 383.141, Florida Statutes, is amended to read:

827 | 383.141 Prenatally diagnosed conditions; patient to be
828 | provided information; definitions; information clearinghouse;
829 | advisory council.—

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

831 | (c) "Health care provider" means a practitioner licensed
832 | or registered under chapter 458 or chapter 459 or an advanced
833 | practice registered nurse licensed ~~advanced registered nurse~~
834 | ~~practitioner certified~~ under chapter 464.

835 | Section 19. Paragraph (a) of subsection (7) of section
836 | 384.27, Florida Statutes, is amended to read:

837 | 384.27 Physical examination and treatment.—

838 | (7) (a) A health care practitioner licensed under chapter
839 | 458, ~~or~~ chapter 459, ~~or certified under~~ s. 464.012 may provide
840 | expedited partner therapy if the following requirements are met:

841 | 1. The patient has a laboratory-confirmed or suspected
842 | clinical diagnosis of a sexually transmissible disease.

843 | 2. The patient indicates that he or she has a partner with
844 | whom he or she engaged in sexual activity before the diagnosis
845 | of the sexually transmissible disease.

846 | 3. The patient indicates that his or her partner is unable
847 | or unlikely to seek clinical services in a timely manner.

848 | Section 20. Paragraph (a) of subsection (3) of section
849 | 390.0111, Florida Statutes, is amended to read:

850 | 390.0111 Termination of pregnancies.—

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851 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
 852 be performed or induced except with the voluntary and informed
 853 written consent of the pregnant woman or, in the case of a
 854 mental incompetent, the voluntary and informed written consent
 855 of her court-appointed guardian.

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

858 1. The physician who is to perform the procedure, or the
 859 referring physician, has, at a minimum, orally, while physically
 860 present in the same room, and at least 24 hours before the
 861 procedure, informed the woman of:

862 a. The nature and risks of undergoing or not undergoing
 863 the proposed procedure that a reasonable patient would consider
 864 material to making a knowing and willful decision of whether to
 865 terminate a pregnancy.

866 b. The probable gestational age of the fetus, verified by
 867 an ultrasound, at the time the termination of pregnancy is to be
 868 performed.

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

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

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876 | hear an explanation of them. If the woman accepts the
 877 | opportunity to view the images and hear the explanation, a
 878 | physician or a registered nurse, licensed practical nurse,
 879 | advanced practice registered nurse ~~advanced registered nurse~~
 880 | ~~practitioner~~, or physician assistant working in conjunction with
 881 | the physician must contemporaneously review and explain the
 882 | images to the woman before the woman gives informed consent to
 883 | having an abortion procedure performed.

884 | (III) The woman has a right to decline to view and hear
 885 | the explanation of the live ultrasound images after she is
 886 | informed of her right and offered an opportunity to view the
 887 | images and hear the explanation. If the woman declines, the
 888 | woman shall complete a form acknowledging that she was offered
 889 | an opportunity to view and hear the explanation of the images
 890 | but that she declined that opportunity. The form must also
 891 | indicate that the woman's decision was not based on any undue
 892 | influence from any person to discourage her from viewing the
 893 | images or hearing the explanation and that she declined of her
 894 | own free will.

895 | (IV) Unless requested by the woman, the person performing
 896 | the ultrasound may not offer the opportunity to view the images
 897 | and hear the explanation and the explanation may not be given
 898 | if, at the time the woman schedules or arrives for her
 899 | appointment to obtain an abortion, a copy of a restraining
 900 | order, police report, medical record, or other court order or

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901 documentation is presented which provides evidence that the
902 woman is obtaining the abortion because the woman is a victim of
903 rape, incest, domestic violence, or human trafficking or that
904 the woman has been diagnosed as having a condition that, on the
905 basis of a physician's good faith clinical judgment, would
906 create a serious risk of substantial and irreversible impairment
907 of a major bodily function if the woman delayed terminating her
908 pregnancy.

909 c. The medical risks to the woman and fetus of carrying
910 the pregnancy to term.

911
912 The physician may provide the information required in this
913 subparagraph within 24 hours before the procedure if requested
914 by the woman at the time she schedules or arrives for her
915 appointment to obtain an abortion and if she presents to the
916 physician a copy of a restraining order, police report, medical
917 record, or other court order or documentation evidencing that
918 she is obtaining the abortion because she is a victim of rape,
919 incest, domestic violence, or human trafficking.

920 2. Printed materials prepared and provided by the
921 department have been provided to the pregnant woman, if she
922 chooses to view these materials, including:

923 a. A description of the fetus, including a description of
924 the various stages of development.

925 b. A list of entities that offer alternatives to

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926 | terminating the pregnancy.

927 | c. Detailed information on the availability of medical
928 | assistance benefits for prenatal care, childbirth, and neonatal
929 | care.

930 | 3. The woman acknowledges in writing, before the
931 | termination of pregnancy, that the information required to be
932 | provided under this subsection has been provided.

933 |

934 | Nothing in this paragraph is intended to prohibit a physician
935 | from providing any additional information which the physician
936 | deems material to the woman's informed decision to terminate her
937 | pregnancy.

938 | Section 21. Paragraphs (c), (e), and (f) of subsection (3)
939 | of section 390.012, Florida Statutes, are amended to read:

940 | 390.012 Powers of agency; rules; disposal of fetal
941 | remains.—

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

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

948 | 1. The abortion clinic designate a medical director who is
949 | licensed to practice medicine in this state, and all physicians
950 | who perform abortions in the clinic have admitting privileges at

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951 a hospital within reasonable proximity to the clinic, unless the
952 clinic has a written patient transfer agreement with a hospital
953 within reasonable proximity to the clinic which includes the
954 transfer of the patient's medical records held by both the
955 clinic and the treating physician.

956 2. If a physician is not present after an abortion is
957 performed, a registered nurse, licensed practical nurse,
958 advanced practice registered nurse ~~advanced registered nurse~~
959 ~~practitioner~~, or physician assistant be present and remain at
960 the clinic to provide postoperative monitoring and care until
961 the patient is discharged.

962 3. Surgical assistants receive training in counseling,
963 patient advocacy, and the specific responsibilities associated
964 with the services the surgical assistants provide.

965 4. Volunteers receive training in the specific
966 responsibilities associated with the services the volunteers
967 provide, including counseling and patient advocacy as provided
968 in the rules adopted by the director for different types of
969 volunteers based on their responsibilities.

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

972 1. That a physician, registered nurse, licensed practical
973 nurse, advanced practice registered nurse ~~advanced registered~~
974 ~~nurse practitioner~~, or physician assistant is available to all
975 patients throughout the abortion procedure.

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976 2. Standards for the safe conduct of abortion procedures
 977 that conform to obstetric standards in keeping with established
 978 standards of care regarding the estimation of fetal age as
 979 defined in rule.

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

982 4. Appropriate precautions, such as the establishment of
 983 intravenous access at least for patients undergoing post-first
 984 trimester abortions.

985 5. Appropriate monitoring of the vital signs and other
 986 defined signs and markers of the patient's status throughout the
 987 abortion procedure and during the recovery period until the
 988 patient's condition is deemed to be stable in the recovery room.

989 (f) Rules that prescribe minimum recovery room standards.
 990 At a minimum, these rules must require that:

991 1. Postprocedure recovery rooms be supervised and staffed
 992 to meet the patients' needs.

993 2. Immediate postprocedure care consist of observation in
 994 a supervised recovery room for as long as the patient's
 995 condition warrants.

996 3. A registered nurse, licensed practical nurse, advanced
 997 practice registered nurse ~~advanced registered nurse~~
 998 ~~practitioner~~, or physician assistant who is trained in the
 999 management of the recovery area and is capable of providing
 1000 basic cardiopulmonary resuscitation and related emergency

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1001 | procedures remain on the premises of the abortion clinic until
 1002 | all patients are discharged.

1003 | 4. A physician sign the discharge order and be readily
 1004 | accessible and available until the last patient is discharged to
 1005 | facilitate the transfer of emergency cases if hospitalization of
 1006 | the patient or viable fetus is necessary.

1007 | 5. A physician discuss Rho(D) immune globulin with each
 1008 | patient for whom it is indicated and ensure that it is offered
 1009 | to the patient in the immediate postoperative period or will be
 1010 | available to her within 72 hours after completion of the
 1011 | abortion procedure. If the patient refuses the Rho(D) immune
 1012 | globulin, she and a witness must sign a refusal form approved by
 1013 | the agency which must be included in the medical record.

1014 | 6. Written instructions with regard to postabortion
 1015 | coitus, signs of possible problems, and general aftercare which
 1016 | are specific to the patient be given to each patient. The
 1017 | instructions must include information regarding access to
 1018 | medical care for complications, including a telephone number for
 1019 | use in the event of a medical emergency.

1020 | 7. A minimum length of time be specified, by type of
 1021 | abortion procedure and duration of gestation, during which a
 1022 | patient must remain in the recovery room.

1023 | 8. The physician ensure that, with the patient's consent,
 1024 | a registered nurse, licensed practical nurse, advanced practice
 1025 | registered nurse ~~advanced registered nurse practitioner~~, or

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1026 | physician assistant from the abortion clinic makes a good faith
 1027 | effort to contact the patient by telephone within 24 hours after
 1028 | surgery to assess the patient's recovery.

1029 | 9. Equipment and services be readily accessible to provide
 1030 | appropriate emergency resuscitative and life support procedures
 1031 | pending the transfer of the patient or viable fetus to the
 1032 | hospital.

1033 | Section 22. Subsections (35) and (44) of section 394.455,
 1034 | Florida Statutes, are amended to read:

1035 | 394.455 Definitions.—As used in this part, the term:

1036 | (35) "Psychiatric nurse" means an advanced practice
 1037 | registered nurse licensed ~~advanced registered nurse practitioner~~
 1038 | ~~certified~~ under s. 464.012 who has a master's or doctoral degree
 1039 | in psychiatric nursing, holds a national advanced practice
 1040 | certification as a psychiatric mental health advanced practice
 1041 | nurse, and has 2 years of post-master's clinical experience
 1042 | under the supervision of a physician.

1043 | (44) "Service provider" means a receiving facility, a
 1044 | facility licensed under chapter 397, a treatment facility, an
 1045 | entity under contract with the department to provide mental
 1046 | health or substance abuse services, a community mental health
 1047 | center or clinic, a psychologist, a clinical social worker, a
 1048 | marriage and family therapist, a mental health counselor, a
 1049 | physician, a psychiatrist, an advanced practice registered nurse
 1050 | ~~advanced registered nurse practitioner~~, a psychiatric nurse, or

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1051 a qualified professional as defined in s. 39.01.

1052 Section 23. Paragraphs (a) and (b) of subsection (2) and
 1053 subsection (4) of section 395.0191, Florida Statutes, are
 1054 amended to read:

1055 395.0191 Staff membership and clinical privileges.—

1056 (2) (a) Each licensed facility shall establish rules and
 1057 procedures for consideration of an application for clinical
 1058 privileges submitted by an advanced practice registered nurse
 1059 ~~advanced registered nurse practitioner~~ licensed and certified
 1060 under part I of chapter 464, in accordance with the provisions
 1061 of this section. No licensed facility shall deny such
 1062 application solely because the applicant is licensed under part
 1063 I of chapter 464 or because the applicant is not a participant
 1064 in the Florida Birth-Related Neurological Injury Compensation
 1065 Plan.

1066 (b) An advanced practice registered nurse ~~advanced~~
 1067 ~~registered nurse practitioner~~ who is certified as a registered
 1068 nurse anesthetist licensed under part I of chapter 464 shall
 1069 administer anesthesia under the onsite medical direction of a
 1070 professional licensed under chapter 458, chapter 459, or chapter
 1071 466, and in accordance with an established protocol approved by
 1072 the medical staff. The medical direction shall specifically
 1073 address the needs of the individual patient.

1074 (4) Nothing herein shall restrict in any way the authority
 1075 of the medical staff of a licensed facility to review for

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1076 approval or disapproval all applications for appointment and
 1077 reappointment to all categories of staff and to make
 1078 recommendations on each applicant to the governing board,
 1079 including the delineation of privileges to be granted in each
 1080 case. In making such recommendations and in the delineation of
 1081 privileges, each applicant shall be considered individually
 1082 pursuant to criteria for a doctor licensed under chapter 458,
 1083 chapter 459, chapter 461, or chapter 466, or for an advanced
 1084 practice registered nurse ~~advanced registered nurse practitioner~~
 1085 licensed ~~and certified~~ under part I of chapter 464, or for a
 1086 psychologist licensed under chapter 490, as applicable. The
 1087 applicant's eligibility for staff membership or clinical
 1088 privileges shall be determined by the applicant's background,
 1089 experience, health, training, and demonstrated competency; the
 1090 applicant's adherence to applicable professional ethics; the
 1091 applicant's reputation; and the applicant's ability to work with
 1092 others and by such other elements as determined by the governing
 1093 board, consistent with this part.

1094 Section 24. Subsection (34) of section 397.311, Florida
 1095 Statutes, is amended to read:

1096 397.311 Definitions.—As used in this chapter, except part
 1097 VIII, the term:

1098 (34) "Qualified professional" means a physician or a
 1099 physician assistant licensed under chapter 458 or chapter 459; a
 1100 professional licensed under chapter 490 or chapter 491; an

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1101 advanced practice registered nurse ~~advanced registered nurse~~
 1102 ~~practitioner~~ licensed under part I of chapter 464; or a person
 1103 who is certified through a department-recognized certification
 1104 process for substance abuse treatment services and who holds, at
 1105 a minimum, a bachelor's degree. A person who is certified in
 1106 substance abuse treatment services by a state-recognized
 1107 certification process in another state at the time of employment
 1108 with a licensed substance abuse provider in this state may
 1109 perform the functions of a qualified professional as defined in
 1110 this chapter but must meet certification requirements contained
 1111 in this subsection no later than 1 year after his or her date of
 1112 employment.

1113 Section 25. Section 397.4012, Florida Statutes, is amended
 1114 to read:

1115 397.4012 Exemptions from licensure.—The following are
 1116 exempt from the licensing provisions of this chapter:

1117 (1) A hospital or hospital-based component licensed under
 1118 chapter 395.

1119 (2) A nursing home facility as defined in s. 400.021.

1120 (3) A substance abuse education program established
 1121 pursuant to s. 1003.42.

1122 (4) A facility or institution operated by the Federal
 1123 Government.

1124 (5) A physician or physician assistant licensed under
 1125 chapter 458 or chapter 459.

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- 1126 (6) A psychologist licensed under chapter 490.
- 1127 (7) A social worker, marriage and family therapist, or
 1128 mental health counselor licensed under chapter 491.
- 1129 (8) A legally cognizable church or nonprofit religious
 1130 organization or denomination providing substance abuse services,
 1131 including prevention services, which are solely religious,
 1132 spiritual, or ecclesiastical in nature. A church or nonprofit
 1133 religious organization or denomination providing any of the
 1134 licensed service components itemized under s. 397.311(26) is not
 1135 exempt from substance abuse licensure but retains its exemption
 1136 with respect to all services which are solely religious,
 1137 spiritual, or ecclesiastical in nature.
- 1138 (9) Facilities licensed under chapter 393 which, in
 1139 addition to providing services to persons with developmental
 1140 disabilities, also provide services to persons developmentally
 1141 at risk as a consequence of exposure to alcohol or other legal
 1142 or illegal drugs while in utero.
- 1143 (10) DUI education and screening services provided
 1144 pursuant to ss. 316.192, 316.193, 322.095, 322.271, and 322.291.
 1145 Persons or entities providing treatment services must be
 1146 licensed under this chapter unless exempted from licensing as
 1147 provided in this section.
- 1148 (11) A facility licensed under s. 394.875 as a crisis
 1149 stabilization unit.
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1151 The exemptions from licensure in this section do not apply to
1152 any service provider that receives an appropriation, grant, or
1153 contract from the state to operate as a service provider as
1154 defined in this chapter or to any substance abuse program
1155 regulated pursuant to s. 397.4014. Furthermore, this chapter may
1156 not be construed to limit the practice of a physician or
1157 physician assistant licensed under chapter 458 or chapter 459, a
1158 psychologist licensed under chapter 490, a psychotherapist
1159 licensed under chapter 491, or an advanced practice registered
1160 nurse ~~advanced registered nurse practitioner~~ licensed under part
1161 I of chapter 464, who provides substance abuse treatment, so
1162 long as the physician, physician assistant, psychologist,
1163 psychotherapist, or advanced practice registered nurse ~~advanced~~
1164 ~~registered nurse practitioner~~ does not represent to the public
1165 that he or she is a licensed service provider and does not
1166 provide services to individuals pursuant to part V of this
1167 chapter. Failure to comply with any requirement necessary to
1168 maintain an exempt status under this section is a misdemeanor of
1169 the first degree, punishable as provided in s. 775.082 or s.
1170 775.083.

1171 Section 26. Subsections (4), (7), and (8) of section
1172 397.427, Florida Statutes, are amended to read:

1173 397.427 Medication-assisted treatment service providers;
1174 rehabilitation program; needs assessment and provision of
1175 services; persons authorized to issue takeout medication;

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1176 | unlawful operation; penalty.—

1177 | (4) Notwithstanding s. 465.019(2), a physician assistant,
 1178 | a registered nurse, an advanced practice registered nurse
 1179 | ~~advanced registered nurse practitioner~~, or a licensed practical
 1180 | nurse working for a licensed service provider may deliver
 1181 | takeout medication for opiate treatment to persons enrolled in a
 1182 | maintenance treatment program for medication-assisted treatment
 1183 | for opiate addiction if:

1184 | (a) The medication-assisted treatment program for opiate
 1185 | addiction has an appropriate valid permit issued pursuant to
 1186 | rules adopted by the Board of Pharmacy;

1187 | (b) The medication for treatment of opiate addiction has
 1188 | been delivered pursuant to a valid prescription written by the
 1189 | program's physician licensed pursuant to chapter 458 or chapter
 1190 | 459;

1191 | (c) The medication for treatment of opiate addiction which
 1192 | is ordered appears on a formulary and is prepackaged and
 1193 | prelabeled with dosage instructions and distributed from a
 1194 | source authorized under chapter 499;

1195 | (d) Each licensed provider adopts written protocols which
 1196 | provide for supervision of the physician assistant, registered
 1197 | nurse, advanced practice registered nurse ~~advanced registered~~
 1198 | ~~nurse practitioner~~, or licensed practical nurse by a physician
 1199 | licensed pursuant to chapter 458 or chapter 459 and for the
 1200 | procedures by which patients' medications may be delivered by

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1201 the physician assistant, registered nurse, advanced practice
 1202 registered nurse ~~advanced registered nurse practitioner~~, or
 1203 licensed practical nurse. Such protocols shall be signed by the
 1204 supervising physician and either the administering registered
 1205 nurse, the advanced practice registered nurse ~~advanced~~
 1206 ~~registered nurse practitioner~~, or the licensed practical nurse.

1207 (e) Each licensed service provider maintains and has
 1208 available for inspection by representatives of the Board of
 1209 Pharmacy all medical records and patient care protocols,
 1210 including records of medications delivered to patients, in
 1211 accordance with the board.

1212 (7) A physician assistant, a registered nurse, an advanced
 1213 practice registered nurse ~~advanced registered nurse~~
 1214 ~~practitioner~~, or a licensed practical nurse working for a
 1215 licensed service provider may deliver medication as prescribed
 1216 by rule if:

1217 (a) The service provider is authorized to provide
 1218 medication-assisted treatment;

1219 (b) The medication has been administered pursuant to a
 1220 valid prescription written by the program's physician who is
 1221 licensed under chapter 458 or chapter 459; and

1222 (c) The medication ordered appears on a formulary or meets
 1223 federal requirements for medication-assisted treatment.

1224 (8) Each licensed service provider that provides
 1225 medication-assisted treatment must adopt written protocols as

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1226 specified by the department and in accordance with federally
 1227 required rules, regulations, or procedures. The protocol shall
 1228 provide for the supervision of the physician assistant,
 1229 registered nurse, advanced practice registered nurse ~~advanced~~
 1230 ~~registered nurse practitioner~~, or licensed practical nurse
 1231 working under the supervision of a physician who is licensed
 1232 under chapter 458 or chapter 459. The protocol must specify how
 1233 the medication will be used in conjunction with counseling or
 1234 psychosocial treatment and that the services provided will be
 1235 included on the treatment plan. The protocol must specify the
 1236 procedures by which medication-assisted treatment may be
 1237 administered by the physician assistant, registered nurse,
 1238 advanced practice registered nurse ~~advanced registered nurse~~
 1239 ~~practitioner~~, or licensed practical nurse. These protocols shall
 1240 be signed by the supervising physician and the administering
 1241 physician assistant, registered nurse, advanced practice
 1242 registered nurse ~~advanced registered nurse practitioner~~, or
 1243 licensed practical nurse.

1244 Section 27. Section 397.679, Florida Statutes, is amended
 1245 to read:

1246 397.679 Emergency admission; circumstances justifying.—A
 1247 person who meets the criteria for involuntary admission in s.
 1248 397.675 may be admitted to a hospital or to a licensed
 1249 detoxification facility or addictions receiving facility for
 1250 emergency assessment and stabilization, or to a less intensive

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1251 component of a licensed service provider for assessment only,
 1252 upon receipt by the facility of a certificate by a physician, an
 1253 advanced practice registered nurse ~~advanced registered nurse~~
 1254 ~~practitioner~~, a psychiatric nurse, a clinical psychologist, a
 1255 clinical social worker, a marriage and family therapist, a
 1256 mental health counselor, a physician assistant working under the
 1257 scope of practice of the supervising physician, or a master's-
 1258 level-certified addictions professional for substance abuse
 1259 services, if the certificate is specific to substance abuse
 1260 impairment, and the completion of an application for emergency
 1261 admission.

1262 Section 28. Subsection (1) of section 397.6793, Florida
 1263 Statutes, is amended to read:

1264 397.6793 Professional's certificate for emergency
 1265 admission.—

1266 (1) A physician, a clinical psychologist, a physician
 1267 assistant working under the scope of practice of the supervising
 1268 physician, a psychiatric nurse, an advanced practice registered
 1269 nurse ~~advanced registered nurse practitioner~~, a mental health
 1270 counselor, a marriage and family therapist, a master's-level-
 1271 certified addictions professional for substance abuse services,
 1272 or a clinical social worker may execute a professional's
 1273 certificate for emergency admission. The professional's
 1274 certificate must include the name of the person to be admitted,
 1275 the relationship between the person and the professional

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1276 | executing the certificate, the relationship between the
 1277 | applicant and the professional, any relationship between the
 1278 | professional and the licensed service provider, a statement that
 1279 | the person has been examined and assessed within the preceding 5
 1280 | days after the application date, and factual allegations with
 1281 | respect to the need for emergency admission, including:

1282 | (a) The reason for the belief that the person is substance
 1283 | abuse impaired;

1284 | (b) The reason for the belief that because of such
 1285 | impairment the person has lost the power of self-control with
 1286 | respect to substance abuse; and

1287 | (c)1. The reason for the belief that, without care or
 1288 | treatment, the person is likely to suffer from neglect or refuse
 1289 | to care for himself or herself; that such neglect or refusal
 1290 | poses a real and present threat of substantial harm to his or
 1291 | her well-being; and that it is not apparent that such harm may
 1292 | be avoided through the help of willing family members or friends
 1293 | or the provision of other services, or there is substantial
 1294 | likelihood that the person has inflicted or, unless admitted, is
 1295 | likely to inflict, physical harm on himself, herself, or
 1296 | another; or

1297 | 2. The reason for the belief that the person's refusal to
 1298 | voluntarily receive care is based on judgment so impaired by
 1299 | reason of substance abuse that the person is incapable of
 1300 | appreciating his or her need for care and of making a rational

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1301 decision regarding his or her need for care.

1302 Section 29. Subsection (8) of section 400.021, Florida
1303 Statutes, is amended to read:

1304 400.021 Definitions.—When used in this part, unless the
1305 context otherwise requires, the term:

1306 (8) "Geriatric outpatient clinic" means a site for
1307 providing outpatient health care to persons 60 years of age or
1308 older, which is staffed by a registered nurse, a physician
1309 assistant, or a licensed practical nurse under the direct
1310 supervision of a registered nurse, advanced practice registered
1311 nurse ~~advanced registered nurse practitioner~~, physician
1312 assistant, or physician.

1313 Section 30. Subsection (3) of section 400.462, Florida
1314 Statutes, is amended to read:

1315 400.462 Definitions.—As used in this part, the term:

1316 (3) "Advanced practice registered nurse" ~~"Advanced~~
1317 ~~registered nurse practitioner"~~ means a person licensed in this
1318 state to practice professional nursing and certified in advanced
1319 or specialized nursing practice, as defined in s. 464.003.

1320 Section 31. Section 400.487, Florida Statutes, is amended
1321 to read:

1322 400.487 Home health service agreements; physician's,
1323 physician assistant's, and advanced practice registered nurse's
1324 ~~advanced registered nurse practitioner's~~ treatment orders;
1325 patient assessment; establishment and review of plan of care;

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1326 provision of services; orders not to resuscitate.—

1327 (1) Services provided by a home health agency must be
 1328 covered by an agreement between the home health agency and the
 1329 patient or the patient's legal representative specifying the
 1330 home health services to be provided, the rates or charges for
 1331 services paid with private funds, and the sources of payment,
 1332 which may include Medicare, Medicaid, private insurance,
 1333 personal funds, or a combination thereof. A home health agency
 1334 providing skilled care must make an assessment of the patient's
 1335 needs within 48 hours after the start of services.

1336 (2) When required by the provisions of chapter 464; part
 1337 I, part III, or part V of chapter 468; or chapter 486, the
 1338 attending physician, physician assistant, or advanced practice
 1339 registered nurse ~~advanced registered nurse practitioner~~, acting
 1340 within his or her respective scope of practice, shall establish
 1341 treatment orders for a patient who is to receive skilled care.
 1342 The treatment orders must be signed by the physician, physician
 1343 assistant, or advanced practice registered nurse ~~advanced~~
 1344 ~~registered nurse practitioner~~ before a claim for payment for the
 1345 skilled services is submitted by the home health agency. If the
 1346 claim is submitted to a managed care organization, the treatment
 1347 orders must be signed within the time allowed under the provider
 1348 agreement. The treatment orders shall be reviewed, as frequently
 1349 as the patient's illness requires, by the physician, physician
 1350 assistant, or advanced practice registered nurse ~~advanced~~

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1351 ~~registered nurse practitioner~~ in consultation with the home
 1352 health agency.

1353 (3) A home health agency shall arrange for supervisory
 1354 visits by a registered nurse to the home of a patient receiving
 1355 home health aide services in accordance with the patient's
 1356 direction, approval, and agreement to pay the charge for the
 1357 visits.

1358 (4) Each patient has the right to be informed of and to
 1359 participate in the planning of his or her care. Each patient
 1360 must be provided, upon request, a copy of the plan of care
 1361 established and maintained for that patient by the home health
 1362 agency.

1363 (5) When nursing services are ordered, the home health
 1364 agency to which a patient has been admitted for care must
 1365 provide the initial admission visit, all service evaluation
 1366 visits, and the discharge visit by a direct employee. Services
 1367 provided by others under contractual arrangements to a home
 1368 health agency must be monitored and managed by the admitting
 1369 home health agency. The admitting home health agency is fully
 1370 responsible for ensuring that all care provided through its
 1371 employees or contract staff is delivered in accordance with this
 1372 part and applicable rules.

1373 (6) The skilled care services provided by a home health
 1374 agency, directly or under contract, must be supervised and
 1375 coordinated in accordance with the plan of care.

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1376 (7) Home health agency personnel may withhold or withdraw
 1377 cardiopulmonary resuscitation if presented with an order not to
 1378 resuscitate executed pursuant to s. 401.45. The agency shall
 1379 adopt rules providing for the implementation of such orders.
 1380 Home health personnel and agencies shall not be subject to
 1381 criminal prosecution or civil liability, nor be considered to
 1382 have engaged in negligent or unprofessional conduct, for
 1383 withholding or withdrawing cardiopulmonary resuscitation
 1384 pursuant to such an order and rules adopted by the agency.

1385 Section 32. Paragraph (a) of subsection (13) of section
 1386 400.506, Florida Statutes, is amended to read:

1387 400.506 Licensure of nurse registries; requirements;
 1388 penalties.—

1389 (13) All persons referred for contract in private
 1390 residences by a nurse registry must comply with the following
 1391 requirements for a plan of treatment:

1392 (a) When, in accordance with the privileges and
 1393 restrictions imposed upon a nurse under part I of chapter 464,
 1394 the delivery of care to a patient is under the direction or
 1395 supervision of a physician or when a physician is responsible
 1396 for the medical care of the patient, a medical plan of treatment
 1397 must be established for each patient receiving care or treatment
 1398 provided by a licensed nurse in the home. The original medical
 1399 plan of treatment must be timely signed by the physician,
 1400 physician assistant, or advanced practice registered nurse

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1401 ~~advanced registered nurse practitioner~~, acting within his or her
 1402 respective scope of practice, and reviewed in consultation with
 1403 the licensed nurse at least every 2 months. Any additional order
 1404 or change in orders must be obtained from the physician,
 1405 physician assistant, or advanced practice registered nurse
 1406 ~~advanced registered nurse practitioner~~ and reduced to writing
 1407 and timely signed by the physician, physician assistant, or
 1408 advanced practice registered nurse ~~advanced registered nurse~~
 1409 ~~practitioner~~. The delivery of care under a medical plan of
 1410 treatment must be substantiated by the appropriate nursing notes
 1411 or documentation made by the nurse in compliance with nursing
 1412 practices established under part I of chapter 464.

1413 Section 33. Subsections (5) and (7) of section 400.9973,
 1414 Florida Statutes, are amended to read:

1415 400.9973 Client admission, transfer, and discharge.—

1416 (5) A client admitted to a transitional living facility
 1417 must be admitted upon prescription by a licensed physician,
 1418 physician assistant, or advanced practice registered nurse
 1419 ~~advanced registered nurse practitioner~~ and must remain under the
 1420 care of a licensed physician, physician assistant, or advanced
 1421 practice registered nurse ~~advanced registered nurse practitioner~~
 1422 for the duration of the client's stay in the facility.

1423 (7) A person may not be admitted to a transitional living
 1424 facility if the person:

1425 (a) Presents significant risk of infection to other

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1426 clients or personnel. A health care practitioner must provide
 1427 documentation that the person is free of apparent signs and
 1428 symptoms of communicable disease;

1429 (b) Is a danger to himself or herself or others as
 1430 determined by a physician, physician assistant, advanced
 1431 practice registered nurse, ~~or advanced registered nurse~~
 1432 ~~practitioner~~ or a mental health practitioner licensed under
 1433 chapter 490 or chapter 491, unless the facility provides
 1434 adequate staffing and support to ensure patient safety;

1435 (c) Is bedridden; or

1436 (d) Requires 24-hour nursing supervision.

1437 Section 34. Subsection (1) and paragraphs (a) and (b) of
 1438 subsection (2) of section 400.9974, Florida Statutes, are
 1439 amended to read:

1440 400.9974 Client comprehensive treatment plans; client
 1441 services.—

1442 (1) A transitional living facility shall develop a
 1443 comprehensive treatment plan for each client as soon as
 1444 practicable but no later than 30 days after the initial
 1445 comprehensive treatment plan is developed. The comprehensive
 1446 treatment plan must be developed by an interdisciplinary team
 1447 consisting of the case manager, the program director, the
 1448 advanced practice registered nurse ~~advanced registered nurse~~
 1449 ~~practitioner~~, and appropriate therapists. The client or, if
 1450 appropriate, the client's representative must be included in

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1451 developing the comprehensive treatment plan. The comprehensive
 1452 treatment plan must be reviewed and updated if the client fails
 1453 to meet projected improvements outlined in the plan or if a
 1454 significant change in the client's condition occurs. The
 1455 comprehensive treatment plan must be reviewed and updated at
 1456 least once monthly.

1457 (2) The comprehensive treatment plan must include:

1458 (a) Orders obtained from the physician, physician
 1459 assistant, or advanced practice registered nurse ~~advanced~~
 1460 ~~registered nurse practitioner~~ and the client's diagnosis,
 1461 medical history, physical examination, and rehabilitative or
 1462 restorative needs.

1463 (b) A preliminary nursing evaluation, including orders for
 1464 immediate care provided by the physician, physician assistant,
 1465 or advanced practice registered nurse ~~advanced registered nurse~~
 1466 ~~practitioner~~, which shall be completed when the client is
 1467 admitted.

1468 Section 35. Section 400.9976, Florida Statutes, is amended
 1469 to read:

1470 400.9976 Administration of medication.—

1471 (1) An individual medication administration record must be
 1472 maintained for each client. A dose of medication, including a
 1473 self-administered dose, shall be properly recorded in the
 1474 client's record. A client who self-administers medication shall
 1475 be given a pill organizer. Medication must be placed in the pill

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1476 organizer by a nurse. A nurse shall document the date and time
1477 that medication is placed into each client's pill organizer. All
1478 medications must be administered in compliance with orders of a
1479 physician, physician assistant, or advanced practice registered
1480 nurse ~~advanced registered nurse practitioner~~.

1481 (2) If an interdisciplinary team determines that self-
1482 administration of medication is an appropriate objective, and if
1483 the physician, physician assistant, or advanced practice
1484 registered nurse ~~advanced registered nurse practitioner~~ does not
1485 specify otherwise, the client must be instructed by the
1486 physician, physician assistant, or advanced practice registered
1487 nurse ~~advanced registered nurse practitioner~~ to self-administer
1488 his or her medication without the assistance of a staff person.
1489 All forms of self-administration of medication, including
1490 administration orally, by injection, and by suppository, shall
1491 be included in the training. The client's physician, physician
1492 assistant, or advanced practice registered nurse ~~advanced~~
1493 ~~registered nurse practitioner~~ must be informed of the
1494 interdisciplinary team's decision that self-administration of
1495 medication is an objective for the client. A client may not
1496 self-administer medication until he or she demonstrates the
1497 competency to take the correct medication in the correct dosage
1498 at the correct time, to respond to missed doses, and to contact
1499 the appropriate person with questions.

1500 (3) Medication administration discrepancies and adverse

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1501 drug reactions must be recorded and reported immediately to a
 1502 physician, physician assistant, or advanced practice registered
 1503 nurse ~~advanced registered nurse practitioner~~.

1504 Section 36. Subsections (2) through (5) of section
 1505 400.9979, Florida Statutes, are amended to read:

1506 400.9979 Restraint and seclusion; client safety.—

1507 (2) The use of physical restraints must be ordered and
 1508 documented by a physician, physician assistant, or advanced
 1509 practice registered nurse ~~advanced registered nurse practitioner~~
 1510 and must be consistent with the policies and procedures adopted
 1511 by the facility. The client or, if applicable, the client's
 1512 representative shall be informed of the facility's physical
 1513 restraint policies and procedures when the client is admitted.

1514 (3) The use of chemical restraints shall be limited to
 1515 prescribed dosages of medications as ordered by a physician,
 1516 physician assistant, or advanced practice registered nurse
 1517 ~~advanced registered nurse practitioner~~ and must be consistent
 1518 with the client's diagnosis and the policies and procedures
 1519 adopted by the facility. The client and, if applicable, the
 1520 client's representative shall be informed of the facility's
 1521 chemical restraint policies and procedures when the client is
 1522 admitted.

1523 (4) Based on the assessment by a physician, physician
 1524 assistant, or advanced practice registered nurse ~~advanced~~
 1525 ~~registered nurse practitioner~~, if a client exhibits symptoms

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1526 that present an immediate risk of injury or death to himself or
 1527 herself or others, a physician, physician assistant, or advanced
 1528 practice registered nurse ~~advanced registered nurse practitioner~~
 1529 may issue an emergency treatment order to immediately administer
 1530 rapid-response psychotropic medications or other chemical
 1531 restraints. Each emergency treatment order must be documented
 1532 and maintained in the client's record.

1533 (a) An emergency treatment order is not effective for more
 1534 than 24 hours.

1535 (b) Whenever a client is medicated under this subsection,
 1536 the client's representative or a responsible party and the
 1537 client's physician, physician assistant, or advanced practice
 1538 registered nurse ~~advanced registered nurse practitioner~~ shall be
 1539 notified as soon as practicable.

1540 (5) A client who is prescribed and receives a medication
 1541 that can serve as a chemical restraint for a purpose other than
 1542 an emergency treatment order must be evaluated by his or her
 1543 physician, physician assistant, or advanced practice registered
 1544 nurse ~~advanced registered nurse practitioner~~ at least monthly to
 1545 assess:

- 1546 (a) The continued need for the medication.
- 1547 (b) The level of the medication in the client's blood.
- 1548 (c) The need for adjustments to the prescription.

1549 Section 37. Subsections (1) and (2) of section 401.445,
 1550 Florida Statutes, are amended to read:

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1551 401.445 Emergency examination and treatment of
 1552 incapacitated persons.—

1553 (1) No recovery shall be allowed in any court in this
 1554 state against any emergency medical technician, paramedic, or
 1555 physician as defined in this chapter, any advanced practice
 1556 registered nurse licensed ~~advanced registered nurse practitioner~~
 1557 ~~certified~~ under s. 464.012, or any physician assistant licensed
 1558 under s. 458.347 or s. 459.022, or any person acting under the
 1559 direct medical supervision of a physician, in an action brought
 1560 for examining or treating a patient without his or her informed
 1561 consent if:

1562 (a) The patient at the time of examination or treatment is
 1563 intoxicated, under the influence of drugs, or otherwise
 1564 incapable of providing informed consent as provided in s.
 1565 766.103;

1566 (b) The patient at the time of examination or treatment is
 1567 experiencing an emergency medical condition; and

1568 (c) The patient would reasonably, under all the
 1569 surrounding circumstances, undergo such examination, treatment,
 1570 or procedure if he or she were advised by the emergency medical
 1571 technician, paramedic, physician, advanced practice registered
 1572 nurse ~~advanced registered nurse practitioner~~, or physician
 1573 assistant in accordance with s. 766.103(3).

1574
 1575 Examination and treatment provided under this subsection shall

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1576 | be limited to reasonable examination of the patient to determine
 1577 | the medical condition of the patient and treatment reasonably
 1578 | necessary to alleviate the emergency medical condition or to
 1579 | stabilize the patient.

1580 | (2) In examining and treating a person who is apparently
 1581 | intoxicated, under the influence of drugs, or otherwise
 1582 | incapable of providing informed consent, the emergency medical
 1583 | technician, paramedic, physician, advanced practice registered
 1584 | nurse ~~advanced registered nurse practitioner~~, or physician
 1585 | assistant, or any person acting under the direct medical
 1586 | supervision of a physician, shall proceed wherever possible with
 1587 | the consent of the person. If the person reasonably appears to
 1588 | be incapacitated and refuses his or her consent, the person may
 1589 | be examined, treated, or taken to a hospital or other
 1590 | appropriate treatment resource if he or she is in need of
 1591 | emergency attention, without his or her consent, but
 1592 | unreasonable force shall not be used.

1593 | Section 38. Subsection (1) of section 409.905, Florida
 1594 | Statutes, is amended to read:

1595 | 409.905 Mandatory Medicaid services.—The agency may make
 1596 | payments for the following services, which are required of the
 1597 | state by Title XIX of the Social Security Act, furnished by
 1598 | Medicaid providers to recipients who are determined to be
 1599 | eligible on the dates on which the services were provided. Any
 1600 | service under this section shall be provided only when medically

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1601 necessary and in accordance with state and federal law.
 1602 Mandatory services rendered by providers in mobile units to
 1603 Medicaid recipients may be restricted by the agency. Nothing in
 1604 this section shall be construed to prevent or limit the agency
 1605 from adjusting fees, reimbursement rates, lengths of stay,
 1606 number of visits, number of services, or any other adjustments
 1607 necessary to comply with the availability of moneys and any
 1608 limitations or directions provided for in the General
 1609 Appropriations Act or chapter 216.

1610 (1) ADVANCED PRACTICE REGISTERED NURSE ~~ADVANCED REGISTERED~~
 1611 ~~NURSE PRACTITIONER~~ SERVICES.—The agency shall pay for services
 1612 provided to a recipient by a licensed advanced practice
 1613 registered nurse ~~advanced registered nurse practitioner~~ who has
 1614 a valid collaboration agreement with a licensed physician on
 1615 file with the Department of Health or who provides anesthesia
 1616 services in accordance with established protocol required by
 1617 state law and approved by the medical staff of the facility in
 1618 which the anesthetic service is performed. Reimbursement for
 1619 such services must be provided in an amount that equals not less
 1620 than 80 percent of the reimbursement to a physician who provides
 1621 the same services, unless otherwise provided for in the General
 1622 Appropriations Act.

1623 Section 39. Paragraph (a) of subsection (3) and subsection
 1624 (7) of section 409.908, Florida Statutes, are amended to read:
 1625 409.908 Reimbursement of Medicaid providers.—Subject to

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1626 specific appropriations, the agency shall reimburse Medicaid
 1627 providers, in accordance with state and federal law, according
 1628 to methodologies set forth in the rules of the agency and in
 1629 policy manuals and handbooks incorporated by reference therein.
 1630 These methodologies may include fee schedules, reimbursement
 1631 methods based on cost reporting, negotiated fees, competitive
 1632 bidding pursuant to s. 287.057, and other mechanisms the agency
 1633 considers efficient and effective for purchasing services or
 1634 goods on behalf of recipients. If a provider is reimbursed based
 1635 on cost reporting and submits a cost report late and that cost
 1636 report would have been used to set a lower reimbursement rate
 1637 for a rate semester, then the provider's rate for that semester
 1638 shall be retroactively calculated using the new cost report, and
 1639 full payment at the recalculated rate shall be effected
 1640 retroactively. Medicare-granted extensions for filing cost
 1641 reports, if applicable, shall also apply to Medicaid cost
 1642 reports. Payment for Medicaid compensable services made on
 1643 behalf of Medicaid eligible persons is subject to the
 1644 availability of moneys and any limitations or directions
 1645 provided for in the General Appropriations Act or chapter 216.
 1646 Further, nothing in this section shall be construed to prevent
 1647 or limit the agency from adjusting fees, reimbursement rates,
 1648 lengths of stay, number of visits, or number of services, or
 1649 making any other adjustments necessary to comply with the
 1650 availability of moneys and any limitations or directions

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1651 provided for in the General Appropriations Act, provided the
 1652 adjustment is consistent with legislative intent.

1653 (3) Subject to any limitations or directions provided for
 1654 in the General Appropriations Act, the following Medicaid
 1655 services and goods may be reimbursed on a fee-for-service basis.
 1656 For each allowable service or goods furnished in accordance with
 1657 Medicaid rules, policy manuals, handbooks, and state and federal
 1658 law, the payment shall be the amount billed by the provider, the
 1659 provider's usual and customary charge, or the maximum allowable
 1660 fee established by the agency, whichever amount is less, with
 1661 the exception of those services or goods for which the agency
 1662 makes payment using a methodology based on capitation rates,
 1663 average costs, or negotiated fees.

1664 (a) Advanced practice registered nurse ~~Advanced registered~~
 1665 ~~nurse practitioner~~ services.

1666 (7) A provider of family planning services shall be
 1667 reimbursed the lesser of the amount billed by the provider or an
 1668 all-inclusive amount per type of visit for physicians and
 1669 advanced practice registered nurses ~~advanced registered nurse~~
 1670 ~~practitioners~~, as established by the agency in a fee schedule.

1671 Section 40. Paragraph (a) of subsection (1) of section
 1672 409.973, Florida Statutes, is amended to read:

1673 409.973 Benefits.—

1674 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
 1675 minimum, the following services:

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1676 (a) Advanced practice registered nurse ~~Advanced registered~~
 1677 ~~nurse practitioner~~ services.

1678 Section 41. Effective March 1, 2019, subsection (1) of
 1679 section 409.973, Florida Statutes, as amended by section 1 of
 1680 chapter 2016-109, Laws of Florida, is amended to read:

1681 409.973 Benefits.—

1682 (1) MINIMUM BENEFITS.—Managed care plans shall cover, at a
 1683 minimum, the following services:

1684 (a) Advanced practice registered nurse ~~Advanced registered~~
 1685 ~~nurse practitioner~~ services.

1686 (b) Ambulatory surgical treatment center services.

1687 (c) Birthing center services.

1688 (d) Chiropractic services.

1689 (e) Early periodic screening diagnosis and treatment
 1690 services for recipients under age 21.

1691 (f) Emergency services.

1692 (g) Family planning services and supplies. Pursuant to 42
 1693 C.F.R. s. 438.102, plans may elect to not provide these services
 1694 due to an objection on moral or religious grounds, and must
 1695 notify the agency of that election when submitting a reply to an
 1696 invitation to negotiate.

1697 (h) Healthy start services, except as provided in s.
 1698 409.975(4).

1699 (i) Hearing services.

1700 (j) Home health agency services.

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- 1701 (k) Hospice services.
- 1702 (l) Hospital inpatient services.
- 1703 (m) Hospital outpatient services.
- 1704 (n) Laboratory and imaging services.
- 1705 (o) Medical supplies, equipment, prostheses, and orthoses.
- 1706 (p) Mental health services.
- 1707 (q) Nursing care.
- 1708 (r) Optical services and supplies.
- 1709 (s) Optometrist services.
- 1710 (t) Physical, occupational, respiratory, and speech
- 1711 therapy services.
- 1712 (u) Physician services, including physician assistant
- 1713 services.
- 1714 (v) Podiatric services.
- 1715 (w) Prescription drugs.
- 1716 (x) Renal dialysis services.
- 1717 (y) Respiratory equipment and supplies.
- 1718 (z) Rural health clinic services.
- 1719 (aa) Substance abuse treatment services.
- 1720 (bb) Transportation to access covered services.
- 1721 Section 42. Paragraph (a) of subsection (2) and paragraph
- 1722 (a) of subsection (7) of section 429.918, Florida Statutes, are
- 1723 amended to read:
- 1724 429.918 Licensure designation as a specialized Alzheimer's
- 1725 services adult day care center.—

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1726 (2) As used in this section, the term:

1727 (a) "ADRD participant" means a participant who has a
 1728 documented diagnosis of Alzheimer's disease or a dementia-
 1729 related disorder (ADRD) from a licensed physician, licensed
 1730 physician assistant, or a licensed advanced practice registered
 1731 nurse ~~advanced registered nurse practitioner~~.

1732 (7)(a) An ADRD participant admitted to an adult day care
 1733 center having a license designated under this section, or the
 1734 caregiver when applicable, must:

1735 1. Require ongoing supervision to maintain the highest
 1736 level of medical or custodial functioning and have a
 1737 demonstrated need for a responsible party to oversee his or her
 1738 care.

1739 2. Not actively demonstrate aggressive behavior that
 1740 places himself, herself, or others at risk of harm.

1741 3. Provide the following medical documentation signed by a
 1742 licensed physician, licensed physician assistant, or a licensed
 1743 advanced practice registered nurse ~~advanced registered nurse~~
 1744 ~~practitioner~~:

1745 a. Any physical, health, or emotional conditions that
 1746 require medical care.

1747 b. A listing of the ADRD participant's current prescribed
 1748 and over-the-counter medications and dosages, diet restrictions,
 1749 mobility restrictions, and other physical limitations.

1750 4. Provide documentation signed by a health care provider

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1751 licensed in this state which indicates that the ADRD participant
 1752 is free of the communicable form of tuberculosis and free of
 1753 signs and symptoms of other communicable diseases.

1754 Section 43. Section 456.0391, Florida Statutes, is amended
 1755 to read:

1756 456.0391 Advanced practice registered nurses ~~Advanced~~
 1757 ~~registered nurse practitioners~~; information required for
 1758 licensure certification.—

1759 (1) (a) Each person who applies for initial licensure
 1760 ~~certification~~ under s. 464.012 must, at the time of application,
 1761 and each person licensed ~~certified~~ under s. 464.012 who applies
 1762 for licensure certification renewal must, in conjunction with
 1763 the renewal of such licensure certification and under procedures
 1764 adopted by the Department of Health, and in addition to any
 1765 other information that may be required from the applicant,
 1766 furnish the following information to the Department of Health:

1767 1. The name of each school or training program that the
 1768 applicant has attended, with the months and years of attendance
 1769 and the month and year of graduation, and a description of all
 1770 graduate professional education completed by the applicant,
 1771 excluding any coursework taken to satisfy continuing education
 1772 requirements.

1773 2. The name of each location at which the applicant
 1774 practices.

1775 3. The address at which the applicant will primarily

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1776 | conduct his or her practice.

1777 | 4. Any certification or designation that the applicant has
 1778 | received from a specialty or certification board that is
 1779 | recognized or approved by the regulatory board or department to
 1780 | which the applicant is applying.

1781 | 5. The year that the applicant received initial
 1782 | certification or licensure and began practicing the profession
 1783 | in any jurisdiction and the year that the applicant received
 1784 | initial certification or licensure in this state.

1785 | 6. Any appointment which the applicant currently holds to
 1786 | the faculty of a school related to the profession and an
 1787 | indication as to whether the applicant has had the
 1788 | responsibility for graduate education within the most recent 10
 1789 | years.

1790 | 7. A description of any criminal offense of which the
 1791 | applicant has been found guilty, regardless of whether
 1792 | adjudication of guilt was withheld, or to which the applicant
 1793 | has pled guilty or nolo contendere. A criminal offense committed
 1794 | in another jurisdiction which would have been a felony or
 1795 | misdemeanor if committed in this state must be reported. If the
 1796 | applicant indicates that a criminal offense is under appeal and
 1797 | submits a copy of the notice for appeal of that criminal
 1798 | offense, the department must state that the criminal offense is
 1799 | under appeal if the criminal offense is reported in the
 1800 | applicant's profile. If the applicant indicates to the

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1801 department that a criminal offense is under appeal, the
 1802 applicant must, within 15 days after the disposition of the
 1803 appeal, submit to the department a copy of the final written
 1804 order of disposition.

1805 8. A description of any final disciplinary action taken
 1806 within the previous 10 years against the applicant by a
 1807 licensing or regulatory body in any jurisdiction, by a specialty
 1808 board that is recognized by the board or department, or by a
 1809 licensed hospital, health maintenance organization, prepaid
 1810 health clinic, ambulatory surgical center, or nursing home.
 1811 Disciplinary action includes resignation from or nonrenewal of
 1812 staff membership or the restriction of privileges at a licensed
 1813 hospital, health maintenance organization, prepaid health
 1814 clinic, ambulatory surgical center, or nursing home taken in
 1815 lieu of or in settlement of a pending disciplinary case related
 1816 to competence or character. If the applicant indicates that the
 1817 disciplinary action is under appeal and submits a copy of the
 1818 document initiating an appeal of the disciplinary action, the
 1819 department must state that the disciplinary action is under
 1820 appeal if the disciplinary action is reported in the applicant's
 1821 profile.

1822 (b) In addition to the information required under
 1823 paragraph (a), each applicant for initial licensure
 1824 ~~certification~~ or licensure ~~certification~~ renewal must provide
 1825 the information required of licensees pursuant to s. 456.049.

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1826 (2) The Department of Health shall send a notice to each
 1827 person licensed ~~certified~~ under s. 464.012 at the licensee's
 1828 ~~certificateholder's~~ last known address of record regarding the
 1829 requirements for information to be submitted by advanced
 1830 practice registered nurses ~~advanced registered nurse~~
 1831 ~~practitioners~~ pursuant to this section in conjunction with the
 1832 renewal of such license ~~certificate~~.

1833 (3) Each person licensed ~~certified~~ under s. 464.012 who
 1834 has submitted information pursuant to subsection (1) must update
 1835 that information in writing by notifying the Department of
 1836 Health within 45 days after the occurrence of an event or the
 1837 attainment of a status that is required to be reported by
 1838 subsection (1). Failure to comply with the requirements of this
 1839 subsection to update and submit information constitutes a ground
 1840 for disciplinary action under chapter 464 and s. 456.072(1)(k).
 1841 For failure to comply with the requirements of this subsection
 1842 to update and submit information, the department or board, as
 1843 appropriate, may:

1844 (a) Refuse to issue a license ~~certificate~~ to any person
 1845 applying for initial licensure ~~certification~~ who fails to submit
 1846 and update the required information.

1847 (b) Issue a citation to any certificateholder or licensee
 1848 who fails to submit and update the required information and may
 1849 fine the certificateholder or licensee up to \$50 for each day
 1850 that the certificateholder or licensee is not in compliance with

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1851 | this subsection. The citation must clearly state that the
1852 | certificateholder or licensee may choose, in lieu of accepting
1853 | the citation, to follow the procedure under s. 456.073. If the
1854 | certificateholder or licensee disputes the matter in the
1855 | citation, the procedures set forth in s. 456.073 must be
1856 | followed. However, if the certificateholder or licensee does not
1857 | dispute the matter in the citation with the department within 30
1858 | days after the citation is served, the citation becomes a final
1859 | order and constitutes discipline. Service of a citation may be
1860 | made by personal service or certified mail, restricted delivery,
1861 | to the subject at the certificateholder's or licensee's last
1862 | known address.

1863 | (4) (a) An applicant for initial licensure ~~certification~~
1864 | under s. 464.012 must submit a set of fingerprints to the
1865 | Department of Health on a form and under procedures specified by
1866 | the department, along with payment in an amount equal to the
1867 | costs incurred by the Department of Health for a national
1868 | criminal history check of the applicant.

1869 | (b) An applicant for renewed licensure ~~certification~~ who
1870 | has not previously submitted a set of fingerprints to the
1871 | Department of Health for purposes of certification must submit a
1872 | set of fingerprints to the department as a condition of the
1873 | initial renewal of his or her certificate after the effective
1874 | date of this section. The applicant must submit the fingerprints
1875 | on a form and under procedures specified by the department,

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1876 along with payment in an amount equal to the costs incurred by
 1877 the Department of Health for a national criminal history check.
 1878 For subsequent renewals, the applicant for renewed licensure
 1879 ~~certification~~ must only submit information necessary to conduct
 1880 a statewide criminal history check, along with payment in an
 1881 amount equal to the costs incurred by the Department of Health
 1882 for a statewide criminal history check.

1883 (c)1. The Department of Health shall submit the
 1884 fingerprints provided by an applicant for initial licensure
 1885 ~~certification~~ to the Florida Department of Law Enforcement for a
 1886 statewide criminal history check, and the Florida Department of
 1887 Law Enforcement shall forward the fingerprints to the Federal
 1888 Bureau of Investigation for a national criminal history check of
 1889 the applicant.

1890 2. The department shall submit the fingerprints provided
 1891 by an applicant for the initial renewal of licensure
 1892 ~~certification~~ to the Florida Department of Law Enforcement for a
 1893 statewide criminal history check, and the Florida Department of
 1894 Law Enforcement shall forward the fingerprints to the Federal
 1895 Bureau of Investigation for a national criminal history check
 1896 for the initial renewal of the applicant's certificate after the
 1897 effective date of this section.

1898 3. For any subsequent renewal of the applicant's
 1899 certificate, the department shall submit the required
 1900 information for a statewide criminal history check of the

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1901 applicant to the Florida Department of Law Enforcement.
 1902 (d) Any applicant for initial licensure ~~certification~~ or
 1903 renewal of licensure ~~certification~~ as an advanced practice
 1904 registered nurse ~~advanced registered nurse practitioner~~ who
 1905 submits to the Department of Health a set of fingerprints and
 1906 information required for the criminal history check required
 1907 under this section shall not be required to provide a subsequent
 1908 set of fingerprints or other duplicate information required for
 1909 a criminal history check to the Agency for Health Care
 1910 Administration, the Department of Juvenile Justice, or the
 1911 Department of Children and Families for employment or licensure
 1912 with such agency or department, if the applicant has undergone a
 1913 criminal history check as a condition of initial licensure
 1914 ~~certification~~ or renewal of licensure ~~certification~~ as an
 1915 advanced practice registered nurse ~~advanced registered nurse~~
 1916 ~~practitioner~~ with the Department of Health, notwithstanding any
 1917 other provision of law to the contrary. In lieu of such
 1918 duplicate submission, the Agency for Health Care Administration,
 1919 the Department of Juvenile Justice, and the Department of
 1920 Children and Families shall obtain criminal history information
 1921 for employment or licensure of persons licensed ~~certified~~ under
 1922 s. 464.012 by such agency or department from the Department of
 1923 Health's health care practitioner credentialing system.
 1924 (5) Each person who is required to submit information
 1925 pursuant to this section may submit additional information to

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1926 | the Department of Health. Such information may include, but is
 1927 | not limited to:

1928 | (a) Information regarding publications in peer-reviewed
 1929 | professional literature within the previous 10 years.

1930 | (b) Information regarding professional or community
 1931 | service activities or awards.

1932 | (c) Languages, other than English, used by the applicant
 1933 | to communicate with patients or clients and identification of
 1934 | any translating service that may be available at the place where
 1935 | the applicant primarily conducts his or her practice.

1936 | (d) An indication of whether the person participates in
 1937 | the Medicaid program.

1938 | Section 44. Subsection (2) of section 456.0392, Florida
 1939 | Statutes, is amended to read:

1940 | 456.0392 Prescription labeling.—

1941 | (2) A prescription for a drug that is not listed as a
 1942 | controlled substance in chapter 893 which is written by an
 1943 | advanced practice registered nurse licensed ~~advanced registered~~
 1944 | ~~nurse practitioner certified~~ under s. 464.012 is presumed,
 1945 | subject to rebuttal, to be valid and within the parameters of
 1946 | the prescriptive authority delegated by a practitioner licensed
 1947 | under chapter 458, chapter 459, or chapter 466.

1948 | Section 45. Paragraph (a) of subsection (1) and subsection
 1949 | (6) of section 456.041, Florida Statutes, are amended to read:

1950 | 456.041 Practitioner profile; creation.—

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1951 (1) (a) The Department of Health shall compile the
 1952 information submitted pursuant to s. 456.039 into a practitioner
 1953 profile of the applicant submitting the information, except that
 1954 the Department of Health shall develop a format to compile
 1955 uniformly any information submitted under s. 456.039(4) (b).
 1956 Beginning July 1, 2001, the Department of Health may compile the
 1957 information submitted pursuant to s. 456.0391 into a
 1958 practitioner profile of the applicant submitting the
 1959 information. The protocol submitted pursuant to s. 464.012(3)
 1960 must be included in the practitioner profile of the advanced
 1961 practice registered nurse ~~advanced registered nurse~~
 1962 ~~practitioner~~.

1963 (6) The Department of Health shall provide in each
 1964 practitioner profile for every physician or advanced practice
 1965 registered nurse ~~advanced registered nurse practitioner~~
 1966 terminated for cause from participating in the Medicaid program,
 1967 pursuant to s. 409.913, or sanctioned by the Medicaid program a
 1968 statement that the practitioner has been terminated from
 1969 participating in the Florida Medicaid program or sanctioned by
 1970 the Medicaid program.

1971 Section 46. Subsection (1) of section 456.048, Florida
 1972 Statutes, is amended to read:

1973 456.048 Financial responsibility requirements for certain
 1974 health care practitioners.—

1975 (1) As a prerequisite for licensure or license renewal,

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1976 | the Board of Acupuncture, the Board of Chiropractic Medicine,
 1977 | the Board of Podiatric Medicine, and the Board of Dentistry
 1978 | shall, by rule, require that all health care practitioners
 1979 | licensed under the respective board, and the Board of Medicine
 1980 | and the Board of Osteopathic Medicine shall, by rule, require
 1981 | that all anesthesiologist assistants licensed pursuant to s.
 1982 | 458.3475 or s. 459.023, and the Board of Nursing shall, by rule,
 1983 | require that advanced practice registered nurses licensed
 1984 | ~~advanced registered nurse practitioners certified~~ under s.
 1985 | 464.012, and the department shall, by rule, require that
 1986 | midwives maintain medical malpractice insurance or provide proof
 1987 | of financial responsibility in an amount and in a manner
 1988 | determined by the board or department to be sufficient to cover
 1989 | claims arising out of the rendering of or failure to render
 1990 | professional care and services in this state.

1991 | Section 47. Subsection (7) of section 456.072, Florida
 1992 | Statutes, is amended to read:

1993 | 456.072 Grounds for discipline; penalties; enforcement.—

1994 | (7) Notwithstanding subsection (2), upon a finding that a
 1995 | physician has prescribed or dispensed a controlled substance, or
 1996 | caused a controlled substance to be prescribed or dispensed, in
 1997 | a manner that violates the standard of practice set forth in s.
 1998 | 458.331(1)(q) or (t), s. 459.015(1)(t) or (x), s. 461.013(1)(o)
 1999 | or (s), or s. 466.028(1)(p) or (x), or that an advanced practice
 2000 | registered nurse ~~advanced registered nurse practitioner~~ has

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2001 prescribed or dispensed a controlled substance, or caused a
 2002 controlled substance to be prescribed or dispensed, in a manner
 2003 that violates the standard of practice set forth in s.
 2004 464.018(1)(n) or (p)6., the physician or advanced practice
 2005 registered nurse ~~advanced registered nurse practitioner~~ shall be
 2006 suspended for a period of not less than 6 months and pay a fine
 2007 of not less than \$10,000 per count. Repeated violations shall
 2008 result in increased penalties.

2009 Section 48. Paragraph (g) of subsection (1) and subsection
 2010 (2) of section 456.44, Florida Statutes, are amended to read:

2011 456.44 Controlled substance prescribing.—

2012 (1) DEFINITIONS.—As used in this section, the term:

2013 (g) "Registrant" means a physician, a physician assistant,
 2014 or an advanced practice registered nurse ~~advanced registered~~
 2015 ~~nurse practitioner~~ who meets the requirements of subsection (2).

2016 (2) REGISTRATION.—A physician licensed under chapter 458,
 2017 chapter 459, chapter 461, or chapter 466, a physician assistant
 2018 licensed under chapter 458 or chapter 459, or an advanced
 2019 practice registered nurse licensed ~~advanced registered nurse~~
 2020 ~~practitioner certified~~ under part I of chapter 464 who
 2021 prescribes any controlled substance, listed in Schedule II,
 2022 Schedule III, or Schedule IV as defined in s. 893.03, for the
 2023 treatment of chronic nonmalignant pain, must:

2024 (a) Designate himself or herself as a controlled substance
 2025 prescribing practitioner on his or her practitioner profile.

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2026 (b) Comply with the requirements of this section and
 2027 applicable board rules.

2028 Section 49. Paragraph (c) of subsection (2) of section
 2029 458.3265, Florida Statutes, is amended to read:

2030 458.3265 Pain-management clinics.—

2031 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 2032 apply to any physician who provides professional services in a
 2033 pain-management clinic that is required to be registered in
 2034 subsection (1).

2035 (c) A physician, a physician assistant, or an advanced
 2036 practice registered nurse ~~advanced registered nurse practitioner~~
 2037 must perform a physical examination of a patient on the same day
 2038 that the physician prescribes a controlled substance to a
 2039 patient at a pain-management clinic. If the physician prescribes
 2040 more than a 72-hour dose of controlled substances for the
 2041 treatment of chronic nonmalignant pain, the physician must
 2042 document in the patient's record the reason for prescribing that
 2043 quantity.

2044 Section 50. Paragraph (dd) of subsection (1) of section
 2045 458.331, Florida Statutes, is amended to read:

2046 458.331 Grounds for disciplinary action; action by the
 2047 board and department.—

2048 (1) The following acts constitute grounds for denial of a
 2049 license or disciplinary action, as specified in s. 456.072(2):

2050 (dd) Failing to supervise adequately the activities of

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2051 those physician assistants, paramedics, emergency medical
 2052 technicians, advanced practice registered nurses ~~advanced~~
 2053 ~~registered nurse practitioners~~, or anesthesiologist assistants
 2054 acting under the supervision of the physician.

2055 Section 51. Paragraph (a) of subsection (1) and subsection
 2056 (3) of section 458.348, Florida Statutes, are amended to read:

2057 458.348 Formal supervisory relationships, standing orders,
 2058 and established protocols; notice; standards.—

2059 (1) NOTICE.—

2060 (a) When a physician enters into a formal supervisory
 2061 relationship or standing orders with an emergency medical
 2062 technician or paramedic licensed pursuant to s. 401.27, which
 2063 relationship or orders contemplate the performance of medical
 2064 acts, or when a physician enters into an established protocol
 2065 with an advanced practice registered nurse ~~advanced registered~~
 2066 ~~nurse practitioner~~, which protocol contemplates the performance
 2067 of medical acts set forth in s. 464.012(3) and (4), the
 2068 physician shall submit notice to the board. The notice shall
 2069 contain a statement in substantially the following form:

2070
 2071 I, ...(name and professional license number of
 2072 physician)..., of ...(address of physician)... have hereby
 2073 entered into a formal supervisory relationship, standing orders,
 2074 or an established protocol with ...(number of persons)...
 2075 emergency medical technician(s), ...(number of persons)...

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2076 paramedic(s), or ... (number of persons)... advanced practice
 2077 registered nurse(s) ~~advanced registered nurse practitioner(s)~~.

2078
 2079 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

2080 A physician who supervises an advanced practice registered nurse
 2081 ~~advanced registered nurse practitioner~~ or physician assistant at
 2082 a medical office other than the physician's primary practice
 2083 location, where the advanced practice registered nurse ~~advanced~~
 2084 ~~registered nurse practitioner~~ or physician assistant is not
 2085 under the onsite supervision of a supervising physician, must
 2086 comply with the standards set forth in this subsection. For the
 2087 purpose of this subsection, a physician's "primary practice
 2088 location" means the address reflected on the physician's profile
 2089 published pursuant to s. 456.041.

2090 (a) A physician who is engaged in providing primary health
 2091 care services may not supervise more than four offices in
 2092 addition to the physician's primary practice location. For the
 2093 purpose of this subsection, "primary health care" means health
 2094 care services that are commonly provided to patients without
 2095 referral from another practitioner, including obstetrical and
 2096 gynecological services, and excludes practices providing
 2097 primarily dermatologic and skin care services, which include
 2098 aesthetic skin care services.

2099 (b) A physician who is engaged in providing specialty
 2100 health care services may not supervise more than two offices in

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2101 addition to the physician's primary practice location. For the
 2102 purpose of this subsection, "specialty health care" means health
 2103 care services that are commonly provided to patients with a
 2104 referral from another practitioner and excludes practices
 2105 providing primarily dermatologic and skin care services, which
 2106 include aesthetic skin care services.

2107 (c) A physician who supervises an advanced practice
 2108 registered nurse ~~advanced registered nurse practitioner~~ or
 2109 physician assistant at a medical office other than the
 2110 physician's primary practice location, where the advanced
 2111 practice registered nurse ~~advanced registered nurse practitioner~~
 2112 or physician assistant is not under the onsite supervision of a
 2113 supervising physician and the services offered at the office are
 2114 primarily dermatologic or skin care services, which include
 2115 aesthetic skin care services other than plastic surgery, must
 2116 comply with the standards listed in subparagraphs 1.-4.
 2117 Notwithstanding s. 458.347(4)(e)6., a physician supervising a
 2118 physician assistant pursuant to this paragraph may not be
 2119 required to review and cosign charts or medical records prepared
 2120 by such physician assistant.

2121 1. The physician shall submit to the board the addresses
 2122 of all offices where he or she is supervising an advanced
 2123 practice registered nurse ~~advanced registered nurse practitioner~~
 2124 or a physician's assistant which are not the physician's primary
 2125 practice location.

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2126 2. The physician must be board certified or board eligible
 2127 in dermatology or plastic surgery as recognized by the board
 2128 pursuant to s. 458.3312.

2129 3. All such offices that are not the physician's primary
 2130 place of practice must be within 25 miles of the physician's
 2131 primary place of practice or in a county that is contiguous to
 2132 the county of the physician's primary place of practice.
 2133 However, the distance between any of the offices may not exceed
 2134 75 miles.

2135 4. The physician may supervise only one office other than
 2136 the physician's primary place of practice except that until July
 2137 1, 2011, the physician may supervise up to two medical offices
 2138 other than the physician's primary place of practice if the
 2139 addresses of the offices are submitted to the board before July
 2140 1, 2006. Effective July 1, 2011, the physician may supervise
 2141 only one office other than the physician's primary place of
 2142 practice, regardless of when the addresses of the offices were
 2143 submitted to the board.

2144 (d) A physician who supervises an office in addition to
 2145 the physician's primary practice location must conspicuously
 2146 post in each of the physician's offices a current schedule of
 2147 the regular hours when the physician is present in that office
 2148 and the hours when the office is open while the physician is not
 2149 present.

2150 (e) This subsection does not apply to health care services

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2151 provided in facilities licensed under chapter 395 or in
 2152 conjunction with a college of medicine, a college of nursing, an
 2153 accredited graduate medical program, or a nursing education
 2154 program; not-for-profit, family-planning clinics that are not
 2155 licensed pursuant to chapter 390; rural and federally qualified
 2156 health centers; health care services provided in a nursing home
 2157 licensed under part II of chapter 400, an assisted living
 2158 facility licensed under part I of chapter 429, a continuing care
 2159 facility licensed under chapter 651, or a retirement community
 2160 consisting of independent living units and a licensed nursing
 2161 home or assisted living facility; anesthesia services provided
 2162 in accordance with law; health care services provided in a
 2163 designated rural health clinic; health care services provided to
 2164 persons enrolled in a program designed to maintain elderly
 2165 persons and persons with disabilities in a home or community-
 2166 based setting; university primary care student health centers;
 2167 school health clinics; or health care services provided in
 2168 federal, state, or local government facilities. Subsection (2)
 2169 and this subsection do not apply to offices at which the
 2170 exclusive service being performed is laser hair removal by an
 2171 advanced practice registered nurse ~~advanced registered nurse~~
 2172 ~~practitioner~~ or physician assistant.

2173 Section 52. Paragraph (c) of subsection (2) of section
 2174 459.0137, Florida Statutes, is amended to read:

2175 459.0137 Pain-management clinics.—

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2176 (2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
 2177 apply to any osteopathic physician who provides professional
 2178 services in a pain-management clinic that is required to be
 2179 registered in subsection (1).

2180 (c) An osteopathic physician, a physician assistant, or an
 2181 advanced practice registered nurse ~~advanced registered nurse~~
 2182 ~~practitioner~~ must perform a physical examination of a patient on
 2183 the same day that the physician prescribes a controlled
 2184 substance to a patient at a pain-management clinic. If the
 2185 osteopathic physician prescribes more than a 72-hour dose of
 2186 controlled substances for the treatment of chronic nonmalignant
 2187 pain, the osteopathic physician must document in the patient's
 2188 record the reason for prescribing that quantity.

2189 Section 53. Paragraph (hh) of subsection (1) of section
 2190 459.015, Florida Statutes, is amended to read:

2191 459.015 Grounds for disciplinary action; action by the
 2192 board and department.—

2193 (1) The following acts constitute grounds for denial of a
 2194 license or disciplinary action, as specified in s. 456.072(2):

2195 (hh) Failing to supervise adequately the activities of
 2196 those physician assistants, paramedics, emergency medical
 2197 technicians, advanced practice registered nurses ~~advanced~~
 2198 ~~registered nurse practitioners~~, anesthesiologist assistants, or
 2199 other persons acting under the supervision of the osteopathic
 2200 physician.

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2201 Section 54. Paragraph (a) of subsection (1) and subsection
 2202 (3) of section 459.025, Florida Statutes, are amended to read:
 2203 459.025 Formal supervisory relationships, standing orders,
 2204 and established protocols; notice; standards.—

2205 (1) NOTICE.—

2206 (a) When an osteopathic physician enters into a formal
 2207 supervisory relationship or standing orders with an emergency
 2208 medical technician or paramedic licensed pursuant to s. 401.27,
 2209 which relationship or orders contemplate the performance of
 2210 medical acts, or when an osteopathic physician enters into an
 2211 established protocol with an advanced practice registered nurse
 2212 ~~advanced registered nurse practitioner~~, which protocol
 2213 contemplates the performance of medical acts or acts set forth
 2214 in s. 464.012(3) and (4), the osteopathic physician shall submit
 2215 notice to the board. The notice must contain a statement in
 2216 substantially the following form:

2217
 2218 I, ...(name and professional license number of osteopathic
 2219 physician)..., of ...(address of osteopathic physician)... have
 2220 hereby entered into a formal supervisory relationship, standing
 2221 orders, or an established protocol with ...(number of
 2222 persons)... emergency medical technician(s), ...(number of
 2223 persons)... paramedic(s), or ...(number of persons)... advanced
 2224 practice registered nurse(s) ~~advanced registered nurse~~
 2225 ~~practitioner(s)~~.

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2226 (3) SUPERVISORY RELATIONSHIPS IN MEDICAL OFFICE SETTINGS.—

2227 An osteopathic physician who supervises an advanced practice
 2228 registered nurse ~~advanced registered nurse practitioner~~ or
 2229 physician assistant at a medical office other than the
 2230 osteopathic physician's primary practice location, where the
 2231 advanced practice registered nurse ~~advanced registered nurse~~
 2232 ~~practitioner~~ or physician assistant is not under the onsite
 2233 supervision of a supervising osteopathic physician, must comply
 2234 with the standards set forth in this subsection. For the purpose
 2235 of this subsection, an osteopathic physician's "primary practice
 2236 location" means the address reflected on the physician's profile
 2237 published pursuant to s. 456.041.

2238 (a) An osteopathic physician who is engaged in providing
 2239 primary health care services may not supervise more than four
 2240 offices in addition to the osteopathic physician's primary
 2241 practice location. For the purpose of this subsection, "primary
 2242 health care" means health care services that are commonly
 2243 provided to patients without referral from another practitioner,
 2244 including obstetrical and gynecological services, and excludes
 2245 practices providing primarily dermatologic and skin care
 2246 services, which include aesthetic skin care services.

2247 (b) An osteopathic physician who is engaged in providing
 2248 specialty health care services may not supervise more than two
 2249 offices in addition to the osteopathic physician's primary
 2250 practice location. For the purpose of this subsection,

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2251 "specialty health care" means health care services that are
 2252 commonly provided to patients with a referral from another
 2253 practitioner and excludes practices providing primarily
 2254 dermatologic and skin care services, which include aesthetic
 2255 skin care services.

2256 (c) An osteopathic physician who supervises an advanced
 2257 practice registered nurse ~~advanced registered nurse practitioner~~
 2258 or physician assistant at a medical office other than the
 2259 osteopathic physician's primary practice location, where the
 2260 advanced practice registered nurse ~~advanced registered nurse~~
 2261 ~~practitioner~~ or physician assistant is not under the onsite
 2262 supervision of a supervising osteopathic physician and the
 2263 services offered at the office are primarily dermatologic or
 2264 skin care services, which include aesthetic skin care services
 2265 other than plastic surgery, must comply with the standards
 2266 listed in subparagraphs 1.-4. Notwithstanding s.
 2267 459.022(4)(e)6., an osteopathic physician supervising a
 2268 physician assistant pursuant to this paragraph may not be
 2269 required to review and cosign charts or medical records prepared
 2270 by such physician assistant.

2271 1. The osteopathic physician shall submit to the Board of
 2272 Osteopathic Medicine the addresses of all offices where he or
 2273 she is supervising or has a protocol with an advanced practice
 2274 registered nurse ~~advanced registered nurse practitioner~~ or a
 2275 physician ~~physician's~~ assistant which are not the osteopathic

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2276 | physician's primary practice location.

2277 | 2. The osteopathic physician must be board certified or
2278 | board eligible in dermatology or plastic surgery as recognized
2279 | by the Board of Osteopathic Medicine pursuant to s. 459.0152.

2280 | 3. All such offices that are not the osteopathic
2281 | physician's primary place of practice must be within 25 miles of
2282 | the osteopathic physician's primary place of practice or in a
2283 | county that is contiguous to the county of the osteopathic
2284 | physician's primary place of practice. However, the distance
2285 | between any of the offices may not exceed 75 miles.

2286 | 4. The osteopathic physician may supervise only one office
2287 | other than the osteopathic physician's primary place of practice
2288 | except that until July 1, 2011, the osteopathic physician may
2289 | supervise up to two medical offices other than the osteopathic
2290 | physician's primary place of practice if the addresses of the
2291 | offices are submitted to the Board of Osteopathic Medicine
2292 | before July 1, 2006. Effective July 1, 2011, the osteopathic
2293 | physician may supervise only one office other than the
2294 | osteopathic physician's primary place of practice, regardless of
2295 | when the addresses of the offices were submitted to the Board of
2296 | Osteopathic Medicine.

2297 | (d) An osteopathic physician who supervises an office in
2298 | addition to the osteopathic physician's primary practice
2299 | location must conspicuously post in each of the osteopathic
2300 | physician's offices a current schedule of the regular hours when

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2301 the osteopathic physician is present in that office and the
 2302 hours when the office is open while the osteopathic physician is
 2303 not present.

2304 (e) This subsection does not apply to health care services
 2305 provided in facilities licensed under chapter 395 or in
 2306 conjunction with a college of medicine or college of nursing or
 2307 an accredited graduate medical or nursing education program;
 2308 offices where the only service being performed is hair removal
 2309 by an advanced practice registered nurse ~~advanced registered~~
 2310 ~~nurse practitioner~~ or physician assistant; not-for-profit,
 2311 family-planning clinics that are not licensed pursuant to
 2312 chapter 390; rural and federally qualified health centers;
 2313 health care services provided in a nursing home licensed under
 2314 part II of chapter 400, an assisted living facility licensed
 2315 under part I of chapter 429, a continuing care facility licensed
 2316 under chapter 651, or a retirement community consisting of
 2317 independent living units and either a licensed nursing home or
 2318 assisted living facility; anesthesia services provided in
 2319 accordance with law; health care services provided in a
 2320 designated rural health clinic; health care services provided to
 2321 persons enrolled in a program designed to maintain elderly
 2322 persons and persons with disabilities in a home or community-
 2323 based setting; university primary care student health centers;
 2324 school health clinics; or health care services provided in
 2325 federal, state, or local government facilities.

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2326 Section 55. Subsection (2) of section 464.003, Florida
 2327 Statutes, is amended to read:
 2328 464.003 Definitions.—As used in this part, the term:
 2329 (2) "Advanced or specialized nursing practice" means, in
 2330 addition to the practice of professional nursing, the
 2331 performance of advanced-level nursing acts approved by the board
 2332 which, by virtue of postbasic specialized education, training,
 2333 and experience, are appropriately performed by an advanced
 2334 practice registered nurse ~~advanced registered nurse~~
 2335 ~~practitioner~~. Within the context of advanced or specialized
 2336 nursing practice, the advanced practice registered nurse
 2337 ~~advanced registered nurse practitioner~~ may perform acts of
 2338 nursing diagnosis and nursing treatment of alterations of the
 2339 health status. The advanced practice registered nurse ~~advanced~~
 2340 ~~registered nurse practitioner~~ may also perform acts of medical
 2341 diagnosis and treatment, prescription, and operation as
 2342 authorized within the framework of an established supervisory
 2343 protocol. The department may, by rule, require that a copy of
 2344 the protocol be filed with the department along with the notice
 2345 required by s. 458.348.

2346 Section 56. Subsection (2) of section 464.004, Florida
 2347 Statutes, is amended to read:
 2348 464.004 Board of Nursing; membership; appointment; terms.—
 2349 (2) Seven members of the board must be registered nurses
 2350 who are residents of this state and who have been engaged in the

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2351 practice of professional nursing for at least 4 years, including
 2352 at least one advanced practice registered nurse ~~advanced~~
 2353 ~~registered nurse practitioner~~, one nurse educator member of an
 2354 approved program, and one nurse executive. These seven board
 2355 members should be representative of the diverse areas of
 2356 practice within the nursing profession. In addition, three
 2357 members of the board must be licensed practical nurses who are
 2358 residents of this state and who have been actively engaged in
 2359 the practice of practical nursing for at least 4 years prior to
 2360 their appointment. The remaining three members must be residents
 2361 of the state who have never been licensed as nurses and who are
 2362 in no way connected with the practice of nursing. No person may
 2363 be appointed as a lay member who is in any way connected with,
 2364 or has any financial interest in, any health care facility,
 2365 agency, or insurer. At least one member of the board must be 60
 2366 years of age or older.

2367 Section 57. Paragraph (b) of subsection (3) of section
 2368 464.013, Florida Statutes, is amended to read:

2369 464.013 Renewal of license or certificate.—

2370 (3) The board shall by rule prescribe up to 30 hours of
 2371 continuing education biennially as a condition for renewal of a
 2372 license or certificate.

2373 (b) Notwithstanding the exemption in paragraph (a), as
 2374 part of the maximum 30 hours of continuing education hours
 2375 required under this subsection, advanced practice registered

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2376 nurses licensed ~~advanced registered nurse practitioners~~
 2377 ~~certified~~ under s. 464.012 must complete at least 3 hours of
 2378 continuing education on the safe and effective prescription of
 2379 controlled substances. Such continuing education courses must be
 2380 offered by a statewide professional association of physicians in
 2381 this state accredited to provide educational activities
 2382 designated for the American Medical Association Physician's
 2383 Recognition Award Category 1 credit, the American Nurses
 2384 Credentialing Center, the American Association of Nurse
 2385 Anesthetists, or the American Association of Nurse Practitioners
 2386 and may be offered in a distance learning format.

2387 Section 58. Subsections (5) and (8), of section 464.015,
 2388 Florida Statutes, are amended to read:

2389 464.015 Titles and abbreviations; restrictions; penalty.—

2390 (5) Only persons who hold valid licenses ~~certificates~~ to
 2391 practice as clinical nurse specialists in this state may use the
 2392 title "Clinical Nurse Specialist" and the abbreviation "C.N.S."

2393 (8) Only persons who hold valid licenses ~~certificates~~ to
 2394 practice as advanced practice registered nurses ~~advanced~~
 2395 ~~registered nurse practitioners~~ in this state may use the title
 2396 "Advanced Practice Registered Nurse" ~~"Advanced Registered Nurse~~
 2397 ~~Practitioner"~~ and the abbreviation "A.P.R.N." ~~"A.R.N.P."~~

2398 Section 59. Subsection (9) of section 464.015, Florida
 2399 Statutes, as amended by section 9 of chapter 2016-139, Laws of
 2400 Florida, is amended to read:

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2401 464.015 Titles and abbreviations; restrictions; penalty.—
 2402 (9) A person may not practice or advertise as, or assume
 2403 the title of, registered nurse, licensed practical nurse,
 2404 clinical nurse specialist, certified registered nurse
 2405 anesthetist, certified nurse midwife, certified nurse
 2406 practitioner, or advanced practice registered nurse ~~advanced~~
 2407 ~~registered nurse practitioner~~ or use the abbreviation "R.N.,"
 2408 "L.P.N.," "C.N.S.," "C.R.N.A.," "C.N.M.," "C.N.P.," or
 2409 "A.P.R.N.," "~~A.R.N.P.~~" or take any other action that would lead
 2410 the public to believe that person was authorized by law to
 2411 practice as such or is performing nursing services pursuant to
 2412 the exception set forth in s. 464.022(8) unless that person is
 2413 licensed, certified, or authorized pursuant to s. 464.0095 to
 2414 practice as such.

2415 Section 60. Paragraph (a) of subsection (2) of section
 2416 464.016, Florida Statutes, is amended to read:

2417 464.016 Violations and penalties.—

2418 (2) Each of the following acts constitutes a misdemeanor
 2419 of the first degree, punishable as provided in s. 775.082 or s.
 2420 775.083:

2421 (a) Using the name or title "Nurse," "Registered Nurse,"
 2422 "Licensed Practical Nurse," "Clinical Nurse Specialist,"
 2423 "Certified Registered Nurse Anesthetist," "Certified Nurse
 2424 Practitioner," "Certified Nurse Midwife," "Advanced Practice
 2425 Registered Nurse," "~~Advanced Registered Nurse Practitioner~~," or

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2426 any other name or title which implies that a person was licensed
 2427 or certified as same, unless such person is duly licensed or
 2428 certified.

2429 Section 61. Paragraphs (p) and (q) of subsection (1) of
 2430 section 464.018, Florida Statutes, are amended to read:

2431 464.018 Disciplinary actions.—

2432 (1) The following acts constitute grounds for denial of a
 2433 license or disciplinary action, as specified in s. 456.072(2):

2434 (p) For an advanced practice registered nurse ~~advanced~~
 2435 ~~registered nurse practitioner~~:

2436 1. Presigning blank prescription forms.

2437 2. Prescribing for office use any medicinal drug appearing
 2438 on Schedule II in chapter 893.

2439 3. Prescribing, ordering, dispensing, administering,
 2440 supplying, selling, or giving a drug that is an amphetamine, a
 2441 sympathomimetic amine drug, or a compound designated in s.
 2442 893.03(2) as a Schedule II controlled substance, to or for any
 2443 person except for:

2444 a. The treatment of narcolepsy; hyperkinesis; behavioral
 2445 syndrome in children characterized by the developmentally
 2446 inappropriate symptoms of moderate to severe distractibility,
 2447 short attention span, hyperactivity, emotional lability, and
 2448 impulsivity; or drug-induced brain dysfunction.

2449 b. The differential diagnostic psychiatric evaluation of
 2450 depression or the treatment of depression shown to be refractory

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2451 to other therapeutic modalities.

2452 c. The clinical investigation of the effects of such drugs
 2453 or compounds when an investigative protocol is submitted to,
 2454 reviewed by, and approved by the department before such
 2455 investigation is begun.

2456 4. Prescribing, ordering, dispensing, administering,
 2457 supplying, selling, or giving growth hormones, testosterone or
 2458 its analogs, human chorionic gonadotropin (HCG), or other
 2459 hormones for the purpose of muscle building or to enhance
 2460 athletic performance. As used in this subparagraph, the term
 2461 "muscle building" does not include the treatment of injured
 2462 muscle. A prescription written for the drug products identified
 2463 in this subparagraph may be dispensed by a pharmacist with the
 2464 presumption that the prescription is for legitimate medical use.

2465 5. Promoting or advertising on any prescription form a
 2466 community pharmacy unless the form also states: "This
 2467 prescription may be filled at any pharmacy of your choice."

2468 6. Prescribing, dispensing, administering, mixing, or
 2469 otherwise preparing a legend drug, including a controlled
 2470 substance, other than in the course of his or her professional
 2471 practice. For the purposes of this subparagraph, it is legally
 2472 presumed that prescribing, dispensing, administering, mixing, or
 2473 otherwise preparing legend drugs, including all controlled
 2474 substances, inappropriately or in excessive or inappropriate
 2475 quantities is not in the best interest of the patient and is not

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2476 in the course of the advanced practice registered nurse's
 2477 ~~advanced registered nurse practitioner's~~ professional practice,
 2478 without regard to his or her intent.

2479 7. Prescribing, dispensing, or administering a medicinal
 2480 drug appearing on any schedule set forth in chapter 893 to
 2481 himself or herself, except a drug prescribed, dispensed, or
 2482 administered to the advanced practice registered nurse ~~advanced~~
 2483 ~~registered nurse practitioner~~ by another practitioner authorized
 2484 to prescribe, dispense, or administer medicinal drugs.

2485 8. Prescribing, ordering, dispensing, administering,
 2486 supplying, selling, or giving amygdalin (laetrile) to any
 2487 person.

2488 9. Dispensing a substance designated in s. 893.03(2) or
 2489 (3) as a substance controlled in Schedule II or Schedule III,
 2490 respectively, in violation of s. 465.0276.

2491 10. Promoting or advertising through any communication
 2492 medium the use, sale, or dispensing of a substance designated in
 2493 s. 893.03 as a controlled substance.

2494 (q) For a psychiatric nurse:

2495 1. Presigning blank prescription forms.

2496 2. Prescribing for office use any medicinal drug appearing
 2497 in Schedule II of s. 893.03.

2498 3. Prescribing, ordering, dispensing, administering,
 2499 supplying, selling, or giving a drug that is an amphetamine, a
 2500 sympathomimetic amine drug, or a compound designated in s.

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2501 893.03(2) as a Schedule II controlled substance, to or for any
 2502 person except for:

2503 a. The treatment of narcolepsy; hyperkinesis; behavioral
 2504 syndrome in children characterized by the developmentally
 2505 inappropriate symptoms of moderate to severe distractibility,
 2506 short attention span, hyperactivity, emotional lability, and
 2507 impulsivity; or drug-induced brain dysfunction.

2508 b. The differential diagnostic psychiatric evaluation of
 2509 depression or the treatment of depression shown to be refractory
 2510 to other therapeutic modalities.

2511 c. The clinical investigation of the effects of such drugs
 2512 or compounds when an investigative protocol is submitted to,
 2513 reviewed by, and approved by the department before such
 2514 investigation is begun.

2515 4. Prescribing, ordering, dispensing, administering,
 2516 supplying, selling, or giving growth hormones, testosterone or
 2517 its analogs, human chorionic gonadotropin (HCG), or other
 2518 hormones for the purpose of muscle building or to enhance
 2519 athletic performance. As used in this subparagraph, the term
 2520 "muscle building" does not include the treatment of injured
 2521 muscle. A prescription written for the drug products identified
 2522 in this subparagraph may be dispensed by a pharmacist with the
 2523 presumption that the prescription is for legitimate medical use.

2524 5. Promoting or advertising on any prescription form a
 2525 community pharmacy unless the form also states: "This

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2526 prescription may be filled at any pharmacy of your choice."

2527 6. Prescribing, dispensing, administering, mixing, or
 2528 otherwise preparing a legend drug, including a controlled
 2529 substance, other than in the course of his or her professional
 2530 practice. For the purposes of this subparagraph, it is legally
 2531 presumed that prescribing, dispensing, administering, mixing, or
 2532 otherwise preparing legend drugs, including all controlled
 2533 substances, inappropriately or in excessive or inappropriate
 2534 quantities is not in the best interest of the patient and is not
 2535 in the course of the advanced practice registered nurse's
 2536 ~~advanced registered nurse practitioner's~~ professional practice,
 2537 without regard to his or her intent.

2538 7. Prescribing, dispensing, or administering a medicinal
 2539 drug appearing on any schedule set forth in chapter 893 to
 2540 himself or herself, except a drug prescribed, dispensed, or
 2541 administered to the psychiatric nurse by another practitioner
 2542 authorized to prescribe, dispense, or administer medicinal
 2543 drugs.

2544 8. Prescribing, ordering, dispensing, administering,
 2545 supplying, selling, or giving amygdalin (laetrile) to any
 2546 person.

2547 9. Dispensing a substance designated in s. 893.03(2) or
 2548 (3) as a substance controlled in Schedule II or Schedule III,
 2549 respectively, in violation of s. 465.0276.

2550 10. Promoting or advertising through any communication

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2551 medium the use, sale, or dispensing of a substance designated in
 2552 s. 893.03 as a controlled substance.

2553 Section 62. Paragraph (a) of subsection (4) of section
 2554 464.0205, Florida Statutes, is amended to read:

2555 464.0205 Retired volunteer nurse certificate.—

2556 (4) A retired volunteer nurse receiving certification from
 2557 the board shall:

2558 (a) Work under the direct supervision of the director of a
 2559 county health department, a physician working under a limited
 2560 license issued pursuant to s. 458.317 or s. 459.0075, a
 2561 physician licensed under chapter 458 or chapter 459, an advanced
 2562 practice registered nurse licensed ~~advanced registered nurse~~
 2563 ~~practitioner certified~~ under s. 464.012, or a registered nurse
 2564 licensed under s. 464.008 or s. 464.009.

2565 Section 63. Subsection (2) of section 467.003, Florida
 2566 Statutes, is amended to read:

2567 467.003 Definitions.—As used in this chapter, unless the
 2568 context otherwise requires:

2569 (2) "Certified nurse midwife" means a person who is
 2570 licensed as an advanced practice registered nurse ~~advanced~~
 2571 ~~registered nurse practitioner~~ under part I of chapter 464 and
 2572 who is certified to practice midwifery by the American College
 2573 of Nurse Midwives.

2574 Section 64. Subsection (1) of section 480.0475, Florida
 2575 Statutes, is amended to read:

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2576 | 480.0475 Massage establishments; prohibited practices.—

2577 | (1) A person may not operate a massage establishment
 2578 | between the hours of midnight and 5 a.m. This subsection does
 2579 | not apply to a massage establishment:

2580 | (a) Located on the premises of a health care facility as
 2581 | defined in s. 408.07; a health care clinic as defined in s.
 2582 | 400.9905(4); a hotel, motel, or bed and breakfast inn, as those
 2583 | terms are defined in s. 509.242; a timeshare property as defined
 2584 | in s. 721.05; a public airport as defined in s. 330.27; or a
 2585 | pari-mutuel facility as defined in s. 550.002;

2586 | (b) In which every massage performed between the hours of
 2587 | midnight and 5 a.m. is performed by a massage therapist acting
 2588 | under the prescription of a physician or physician assistant
 2589 | licensed under chapter 458, an osteopathic physician or
 2590 | physician assistant licensed under chapter 459, a chiropractic
 2591 | physician licensed under chapter 460, a podiatric physician
 2592 | licensed under chapter 461, an advanced practice registered
 2593 | nurse ~~advanced registered nurse practitioner~~ licensed under part
 2594 | I of chapter 464, or a dentist licensed under chapter 466; or

2595 | (c) Operating during a special event if the county or
 2596 | municipality in which the establishment operates has approved
 2597 | such operation during the special event.

2598 | Section 65. Subsection (7) of section 483.041, Florida
 2599 | Statutes, is amended to read:

2600 | 483.041 Definitions.—As used in this part, the term:

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2601 (7) "Licensed practitioner" means a physician licensed
 2602 under chapter 458, chapter 459, chapter 460, or chapter 461; a
 2603 certified optometrist licensed under chapter 463; a dentist
 2604 licensed under chapter 466; a person licensed under chapter 462;
 2605 a consultant pharmacist or doctor of pharmacy licensed under
 2606 chapter 465; or an advanced practice registered nurse ~~advanced~~
 2607 ~~registered nurse practitioner~~ licensed under part I of chapter
 2608 464; or a duly licensed practitioner from another state licensed
 2609 under similar statutes who orders examinations on materials or
 2610 specimens for nonresidents of the State of Florida, but who
 2611 reside in the same state as the requesting licensed
 2612 practitioner.

2613 Section 66. Subsection (5) of section 483.801, Florida
 2614 Statutes, is amended to read:

2615 483.801 Exemptions.—This part applies to all clinical
 2616 laboratories and clinical laboratory personnel within this
 2617 state, except:

2618 (5) Advanced practice registered nurses ~~advanced~~
 2619 ~~registered nurse practitioners~~ licensed under part I of chapter
 2620 464 who perform provider-performed microscopy procedures (PPMP)
 2621 in an exclusive-use laboratory setting.

2622 Section 67. Paragraph (a) of subsection (11) of section
 2623 486.021, Florida Statutes, is amended to read:

2624 486.021 Definitions.—In this chapter, unless the context
 2625 otherwise requires, the term:

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2626 (11) "Practice of physical therapy" means the performance
 2627 of physical therapy assessments and the treatment of any
 2628 disability, injury, disease, or other health condition of human
 2629 beings, or the prevention of such disability, injury, disease,
 2630 or other condition of health, and rehabilitation as related
 2631 thereto by the use of the physical, chemical, and other
 2632 properties of air; electricity; exercise; massage; the
 2633 performance of acupuncture only upon compliance with the
 2634 criteria set forth by the Board of Medicine, when no penetration
 2635 of the skin occurs; the use of radiant energy, including
 2636 ultraviolet, visible, and infrared rays; ultrasound; water; the
 2637 use of apparatus and equipment in the application of the
 2638 foregoing or related thereto; the performance of tests of
 2639 neuromuscular functions as an aid to the diagnosis or treatment
 2640 of any human condition; or the performance of electromyography
 2641 as an aid to the diagnosis of any human condition only upon
 2642 compliance with the criteria set forth by the Board of Medicine.

2643 (a) A physical therapist may implement a plan of treatment
 2644 developed by the physical therapist for a patient or provided
 2645 for a patient by a practitioner of record or by an advanced
 2646 practice registered nurse ~~advanced registered nurse practitioner~~
 2647 licensed under s. 464.012. The physical therapist shall refer
 2648 the patient to or consult with a practitioner of record if the
 2649 patient's condition is found to be outside the scope of physical
 2650 therapy. If physical therapy treatment for a patient is required

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2651 beyond 30 days for a condition not previously assessed by a
 2652 practitioner of record, the physical therapist shall have a
 2653 practitioner of record review and sign the plan. The requirement
 2654 that a physical therapist have a practitioner of record review
 2655 and sign a plan of treatment does not apply when a patient has
 2656 been physically examined by a physician licensed in another
 2657 state, the patient has been diagnosed by the physician as having
 2658 a condition for which physical therapy is required, and the
 2659 physical therapist is treating the condition. For purposes of
 2660 this paragraph, a health care practitioner licensed under
 2661 chapter 458, chapter 459, chapter 460, chapter 461, or chapter
 2662 466 and engaged in active practice is eligible to serve as a
 2663 practitioner of record.

2664 Section 68. Paragraph (d) of subsection (1) of section
 2665 490.012, Florida Statutes, is amended to read:

2666 490.012 Violations; penalties; injunction.—

2667 (1)

2668 (d) A person may not ~~No person shall~~ hold herself or
 2669 himself out by any title or description incorporating the word,
 2670 or a permutation of the word, "psychotherapy" unless such person
 2671 holds a valid, active license under chapter 458, chapter 459,
 2672 chapter 490, or chapter 491, or such person is licensed
 2673 ~~certified~~ as an advanced practice registered nurse under
 2674 ~~advanced registered nurse practitioner, pursuant to s. 464.012,~~
 2675 who has been determined by the Board of Nursing as a specialist

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2676 | in psychiatric mental health.

2677 | Section 69. Subsection (1) of section 491.0057, Florida
2678 | Statutes, is amended to read:

2679 | 491.0057 Dual licensure as a marriage and family
2680 | therapist.—The department shall license as a marriage and family
2681 | therapist any person who demonstrates to the board that he or
2682 | she:

2683 | (1) Holds a valid, active license as a psychologist under
2684 | chapter 490 or as a clinical social worker or mental health
2685 | counselor under this chapter, or is licensed ~~certified~~ under s.
2686 | 464.012 as an advanced practice registered nurse ~~advanced~~
2687 | ~~registered nurse practitioner~~ who has been determined by the
2688 | Board of Nursing as a specialist in psychiatric mental health.

2689 | Section 70. Paragraph (d) of subsection (1) and subsection
2690 | (2) of section 491.012, Florida Statutes, are amended to read:

2691 | 491.012 Violations; penalty; injunction.—

2692 | (1) It is unlawful and a violation of this chapter for any
2693 | person to:

2694 | (d) Use the terms psychotherapist, sex therapist, or
2695 | juvenile sexual offender therapist unless such person is
2696 | licensed pursuant to this chapter or chapter 490, or is licensed
2697 | ~~certified~~ under s. 464.012 as an advanced practice registered
2698 | nurse ~~advanced registered nurse practitioner~~ who has been
2699 | determined by the Board of Nursing as a specialist in
2700 | psychiatric mental health and the use of such terms is within

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2701 the scope of her or his practice based on education, training,
 2702 and licensure.

2703 (2) It is unlawful and a violation of this chapter for any
 2704 person to describe her or his services using the following terms
 2705 or any derivative thereof, unless such person holds a valid,
 2706 active license under this chapter or chapter 490, or is licensed
 2707 ~~certified~~ under s. 464.012 as an advanced practice registered
 2708 nurse ~~advanced registered nurse practitioner~~ who has been
 2709 determined by the Board of Nursing as a specialist in
 2710 psychiatric mental health and the use of such terms is within
 2711 the scope of her or his practice based on education, training,
 2712 and licensure:

- 2713 (a) "Psychotherapy."
- 2714 (b) "Sex therapy."
- 2715 (c) "Sex counseling."
- 2716 (d) "Clinical social work."
- 2717 (e) "Psychiatric social work."
- 2718 (f) "Marriage and family therapy."
- 2719 (g) "Marriage and family counseling."
- 2720 (h) "Marriage counseling."
- 2721 (i) "Family counseling."
- 2722 (j) "Mental health counseling."

2723 Section 71. Subsection (2) of section 493.6108, Florida
 2724 Statutes, is amended to read:

2725 493.6108 Investigation of applicants by Department of

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2726 Agriculture and Consumer Services.—

2727 (2) In addition to subsection (1), the department shall
 2728 make an investigation of the general physical fitness of the
 2729 Class "G" applicant to bear a weapon or firearm. Determination
 2730 of physical fitness shall be certified by a physician or
 2731 physician assistant currently licensed pursuant to chapter 458,
 2732 chapter 459, or any similar law of another state or authorized
 2733 to act as a licensed physician by a federal agency or department
 2734 or by an advanced practice registered nurse ~~advanced registered~~
 2735 ~~nurse practitioner~~ currently licensed pursuant to chapter 464.
 2736 Such certification shall be submitted on a form provided by the
 2737 department.

2738 Section 72. Paragraph (b) of subsection (1) of section
 2739 627.357, Florida Statutes, is amended to read:

2740 627.357 Medical malpractice self-insurance.—

2741 (1) DEFINITIONS.—As used in this section, the term:

2742 (b) "Health care provider" means any:

2743 1. Hospital licensed under chapter 395.

2744 2. Physician licensed, or physician assistant licensed,
 2745 under chapter 458.

2746 3. Osteopathic physician or physician assistant licensed
 2747 under chapter 459.

2748 4. Podiatric physician licensed under chapter 461.

2749 5. Health maintenance organization certificated under part
 2750 I of chapter 641.

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- 2751 6. Ambulatory surgical center licensed under chapter 395.
 2752 7. Chiropractic physician licensed under chapter 460.
 2753 8. Psychologist licensed under chapter 490.
 2754 9. Optometrist licensed under chapter 463.
 2755 10. Dentist licensed under chapter 466.
 2756 11. Pharmacist licensed under chapter 465.
 2757 12. Registered nurse, licensed practical nurse, or
 2758 advanced practice registered nurse ~~advanced registered nurse~~
 2759 ~~practitioner~~ licensed or registered under part I of chapter 464.
 2760 13. Other medical facility.
 2761 14. Professional association, partnership, corporation,
 2762 joint venture, or other association established by the
 2763 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,
 2764 10., 11., and 12. for professional activity.
 2765 Section 73. Subsection (6) of section 627.6471, Florida
 2766 Statutes, is amended to read:
 2767 627.6471 Contracts for reduced rates of payment;
 2768 limitations; coinsurance and deductibles.—
 2769 (6) If psychotherapeutic services are covered by a policy
 2770 issued by the insurer, the insurer shall provide eligibility
 2771 criteria for each group of health care providers licensed under
 2772 chapter 458, chapter 459, chapter 490, or chapter 491, which
 2773 include psychotherapy within the scope of their practice as
 2774 provided by law, or for any person who is licensed ~~certified~~ as
 2775 an advanced practice registered nurse ~~advanced registered nurse~~

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2776 ~~practitioner~~ in psychiatric mental health under s. 464.012. When
 2777 psychotherapeutic services are covered, eligibility criteria
 2778 shall be established by the insurer to be included in the
 2779 insurer's criteria for selection of network providers. The
 2780 insurer may not discriminate against a health care provider by
 2781 excluding such practitioner from its provider network solely on
 2782 the basis of the practitioner's license.

2783 Section 74. Subsections (15) and (17) of section 627.6472,
 2784 Florida Statutes, are amended to read:

2785 627.6472 Exclusive provider organizations.—

2786 (15) If psychotherapeutic services are covered by a policy
 2787 issued by the insurer, the insurer shall provide eligibility
 2788 criteria for all groups of health care providers licensed under
 2789 chapter 458, chapter 459, chapter 490, or chapter 491, which
 2790 include psychotherapy within the scope of their practice as
 2791 provided by law, or for any person who is licensed ~~certified~~ as
 2792 an advanced practice registered nurse ~~advanced registered nurse~~
 2793 ~~practitioner~~ in psychiatric mental health under s. 464.012. When
 2794 psychotherapeutic services are covered, eligibility criteria
 2795 shall be established by the insurer to be included in the
 2796 insurer's criteria for selection of network providers. The
 2797 insurer may not discriminate against a health care provider by
 2798 excluding such practitioner from its provider network solely on
 2799 the basis of the practitioner's license.

2800 (17) An exclusive provider organization shall not

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2801 discriminate with respect to participation as to any advanced
 2802 practice registered nurse ~~advanced registered nurse practitioner~~
 2803 licensed ~~and certified~~ pursuant to s. 464.012, who is acting
 2804 within the scope of such license ~~and certification~~, solely on
 2805 the basis of such license ~~or certification~~. This subsection
 2806 shall not be construed to prohibit a plan from including
 2807 providers only to the extent necessary to meet the needs of the
 2808 plan's enrollees or from establishing any measure designed to
 2809 maintain quality and control costs consistent with the
 2810 responsibilities of the plan.

2811 Section 75. Paragraph (a) of subsection (1) of section
 2812 627.736, Florida Statutes, is amended to read:

2813 627.736 Required personal injury protection benefits;
 2814 exclusions; priority; claims.—

2815 (1) REQUIRED BENEFITS.—An insurance policy complying with
 2816 the security requirements of s. 627.733 must provide personal
 2817 injury protection to the named insured, relatives residing in
 2818 the same household, persons operating the insured motor vehicle,
 2819 passengers in the motor vehicle, and other persons struck by the
 2820 motor vehicle and suffering bodily injury while not an occupant
 2821 of a self-propelled vehicle, subject to subsection (2) and
 2822 paragraph (4) (e), to a limit of \$10,000 in medical and
 2823 disability benefits and \$5,000 in death benefits resulting from
 2824 bodily injury, sickness, disease, or death arising out of the
 2825 ownership, maintenance, or use of a motor vehicle as follows:

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2826 (a) Medical benefits.—Eighty percent of all reasonable
 2827 expenses for medically necessary medical, surgical, X-ray,
 2828 dental, and rehabilitative services, including prosthetic
 2829 devices and medically necessary ambulance, hospital, and nursing
 2830 services if the individual receives initial services and care
 2831 pursuant to subparagraph 1. within 14 days after the motor
 2832 vehicle accident. The medical benefits provide reimbursement
 2833 only for:

2834 1. Initial services and care that are lawfully provided,
 2835 supervised, ordered, or prescribed by a physician licensed under
 2836 chapter 458 or chapter 459, a dentist licensed under chapter
 2837 466, or a chiropractic physician licensed under chapter 460 or
 2838 that are provided in a hospital or in a facility that owns, or
 2839 is wholly owned by, a hospital. Initial services and care may
 2840 also be provided by a person or entity licensed under part III
 2841 of chapter 401 which provides emergency transportation and
 2842 treatment.

2843 2. Upon referral by a provider described in subparagraph
 2844 1., followup services and care consistent with the underlying
 2845 medical diagnosis rendered pursuant to subparagraph 1. which may
 2846 be provided, supervised, ordered, or prescribed only by a
 2847 physician licensed under chapter 458 or chapter 459, a
 2848 chiropractic physician licensed under chapter 460, a dentist
 2849 licensed under chapter 466, or, to the extent permitted by
 2850 applicable law and under the supervision of such physician,

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2851 osteopathic physician, chiropractic physician, or dentist, by a
 2852 physician assistant licensed under chapter 458 or chapter 459 or
 2853 an advanced practice registered nurse ~~advanced registered nurse~~
 2854 ~~practitioner~~ licensed under chapter 464. Followup services and
 2855 care may also be provided by the following persons or entities:
 2856 a. A hospital or ambulatory surgical center licensed under
 2857 chapter 395.
 2858 b. An entity wholly owned by one or more physicians
 2859 licensed under chapter 458 or chapter 459, chiropractic
 2860 physicians licensed under chapter 460, or dentists licensed
 2861 under chapter 466 or by such practitioners and the spouse,
 2862 parent, child, or sibling of such practitioners.
 2863 c. An entity that owns or is wholly owned, directly or
 2864 indirectly, by a hospital or hospitals.
 2865 d. A physical therapist licensed under chapter 486, based
 2866 upon a referral by a provider described in this subparagraph.
 2867 e. A health care clinic licensed under part X of chapter
 2868 400 which is accredited by an accrediting organization whose
 2869 standards incorporate comparable regulations required by this
 2870 state, or
 2871 (I) Has a medical director licensed under chapter 458,
 2872 chapter 459, or chapter 460;
 2873 (II) Has been continuously licensed for more than 3 years
 2874 or is a publicly traded corporation that issues securities
 2875 traded on an exchange registered with the United States

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2876 Securities and Exchange Commission as a national securities
 2877 exchange; and

2878 (III) Provides at least four of the following medical
 2879 specialties:

2880 (A) General medicine.

2881 (B) Radiography.

2882 (C) Orthopedic medicine.

2883 (D) Physical medicine.

2884 (E) Physical therapy.

2885 (F) Physical rehabilitation.

2886 (G) Prescribing or dispensing outpatient prescription
 2887 medication.

2888 (H) Laboratory services.

2889 3. Reimbursement for services and care provided in
 2890 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician
 2891 licensed under chapter 458 or chapter 459, a dentist licensed
 2892 under chapter 466, a physician assistant licensed under chapter
 2893 458 or chapter 459, or an advanced practice registered nurse
 2894 ~~advanced registered nurse practitioner~~ licensed under chapter
 2895 464 has determined that the injured person had an emergency
 2896 medical condition.

2897 4. Reimbursement for services and care provided in
 2898 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a
 2899 provider listed in subparagraph 1. or subparagraph 2. determines
 2900 that the injured person did not have an emergency medical

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2901 condition.

2902 5. Medical benefits do not include massage as defined in
 2903 s. 480.033 or acupuncture as defined in s. 457.102, regardless
 2904 of the person, entity, or licensee providing massage or
 2905 acupuncture, and a licensed massage therapist or licensed
 2906 acupuncturist may not be reimbursed for medical benefits under
 2907 this section.

2908 6. The Financial Services Commission shall adopt by rule
 2909 the form that must be used by an insurer and a health care
 2910 provider specified in sub-subparagraph 2.b., sub-subparagraph
 2911 2.c., or sub-subparagraph 2.e. to document that the health care
 2912 provider meets the criteria of this paragraph. Such rule must
 2913 include a requirement for a sworn statement or affidavit.

2914
 2915 Only insurers writing motor vehicle liability insurance in this
 2916 state may provide the required benefits of this section, and
 2917 such insurer may not require the purchase of any other motor
 2918 vehicle coverage other than the purchase of property damage
 2919 liability coverage as required by s. 627.7275 as a condition for
 2920 providing such benefits. Insurers may not require that property
 2921 damage liability insurance in an amount greater than \$10,000 be
 2922 purchased in conjunction with personal injury protection. Such
 2923 insurers shall make benefits and required property damage
 2924 liability insurance coverage available through normal marketing
 2925 channels. An insurer writing motor vehicle liability insurance

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2926 | in this state who fails to comply with such availability
 2927 | requirement as a general business practice violates part IX of
 2928 | chapter 626, and such violation constitutes an unfair method of
 2929 | competition or an unfair or deceptive act or practice involving
 2930 | the business of insurance. An insurer committing such violation
 2931 | is subject to the penalties provided under that part, as well as
 2932 | those provided elsewhere in the insurance code.

2933 | Section 76. Subsection (5) of section 633.412, Florida
 2934 | Statutes, is amended to read:

2935 | 633.412 Firefighters; qualifications for certification.—A
 2936 | person applying for certification as a firefighter must:

2937 | (5) Be in good physical condition as determined by a
 2938 | medical examination given by a physician, surgeon, or physician
 2939 | assistant licensed to practice in the state pursuant to chapter
 2940 | 458; an osteopathic physician, surgeon, or physician assistant
 2941 | licensed to practice in the state pursuant to chapter 459; or an
 2942 | advanced practice registered nurse ~~advanced registered nurse~~
 2943 | ~~practitioner~~ licensed to practice in the state pursuant to
 2944 | chapter 464. Such examination may include, but need not be
 2945 | limited to, the National Fire Protection Association Standard
 2946 | 1582. A medical examination evidencing good physical condition
 2947 | shall be submitted to the division, on a form as provided by
 2948 | rule, before an individual is eligible for admission into a
 2949 | course under s. 633.408.

2950 | Section 77. Section 641.3923, Florida Statutes, is amended

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2951 to read:

2952 641.3923 Discrimination against providers prohibited.—A
 2953 health maintenance organization may ~~shall~~ not discriminate with
 2954 respect to participation as to any advanced practice registered
 2955 nurse ~~advanced registered nurse practitioner~~ licensed and
 2956 ~~certified~~ pursuant to s. 464.012, who is acting within the scope
 2957 of such license ~~and certification~~, solely on the basis of such
 2958 license ~~or certification~~. This section may ~~shall~~ not be
 2959 construed to prohibit a plan from including providers only to
 2960 the extent necessary to meet the needs of the plan's enrollees
 2961 or from establishing any measure designed to maintain quality
 2962 and control costs consistent with the responsibilities of the
 2963 plan.

2964 Section 78. Subsection (3) of section 766.103, Florida
 2965 Statutes, is amended to read:

2966 766.103 Florida Medical Consent Law.—

2967 (3) No recovery shall be allowed in any court in this
 2968 state against any physician licensed under chapter 458,
 2969 osteopathic physician licensed under chapter 459, chiropractic
 2970 physician licensed under chapter 460, podiatric physician
 2971 licensed under chapter 461, dentist licensed under chapter 466,
 2972 advanced practice registered nurse licensed ~~advanced registered~~
 2973 ~~nurse practitioner certified~~ under s. 464.012, or physician
 2974 assistant licensed under s. 458.347 or s. 459.022 in an action
 2975 brought for treating, examining, or operating on a patient

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2976 | without his or her informed consent when:

2977 | (a)1. The action of the physician, osteopathic physician,

2978 | chiropractic physician, podiatric physician, dentist, advanced

2979 | practice registered nurse ~~advanced registered nurse~~

2980 | ~~practitioner~~, or physician assistant in obtaining the consent of

2981 | the patient or another person authorized to give consent for the

2982 | patient was in accordance with an accepted standard of medical

2983 | practice among members of the medical profession with similar

2984 | training and experience in the same or similar medical community

2985 | as that of the person treating, examining, or operating on the

2986 | patient for whom the consent is obtained; and

2987 | 2. A reasonable individual, from the information provided

2988 | by the physician, osteopathic physician, chiropractic physician,

2989 | podiatric physician, dentist, advanced practice registered nurse

2990 | ~~advanced registered nurse practitioner~~, or physician assistant,

2991 | under the circumstances, would have a general understanding of

2992 | the procedure, the medically acceptable alternative procedures

2993 | or treatments, and the substantial risks and hazards inherent in

2994 | the proposed treatment or procedures, which are recognized among

2995 | other physicians, osteopathic physicians, chiropractic

2996 | physicians, podiatric physicians, or dentists in the same or

2997 | similar community who perform similar treatments or procedures;

2998 | or

2999 | (b) The patient would reasonably, under all the

3000 | surrounding circumstances, have undergone such treatment or

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3001 procedure had he or she been advised by the physician,
 3002 osteopathic physician, chiropractic physician, podiatric
 3003 physician, dentist, advanced practice registered nurse ~~advanced~~
 3004 ~~registered nurse practitioner~~, or physician assistant in
 3005 accordance with the provisions of paragraph (a).

3006 Section 79. Paragraph (d) of subsection (3) of section
 3007 766.1115, Florida Statutes, is amended to read:

3008 766.1115 Health care providers; creation of agency
 3009 relationship with governmental contractors.—

3010 (3) DEFINITIONS.—As used in this section, the term:

3011 (d) "Health care provider" or "provider" means:

- 3012 1. A birth center licensed under chapter 383.
- 3013 2. An ambulatory surgical center licensed under chapter
 3014 395.
- 3015 3. A hospital licensed under chapter 395.
- 3016 4. A physician or physician assistant licensed under
 3017 chapter 458.
- 3018 5. An osteopathic physician or osteopathic physician
 3019 assistant licensed under chapter 459.
- 3020 6. A chiropractic physician licensed under chapter 460.
- 3021 7. A podiatric physician licensed under chapter 461.
- 3022 8. A registered nurse, nurse midwife, licensed practical
 3023 nurse, or advanced practice registered nurse ~~advanced registered~~
 3024 ~~nurse practitioner~~ licensed or registered under part I of
 3025 chapter 464 or any facility which employs nurses licensed or

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3026 registered under part I of chapter 464 to supply all or part of
 3027 the care delivered under this section.

3028 9. A midwife licensed under chapter 467.

3029 10. A health maintenance organization certificated under
 3030 part I of chapter 641.

3031 11. A health care professional association and its
 3032 employees or a corporate medical group and its employees.

3033 12. Any other medical facility the primary purpose of
 3034 which is to deliver human medical diagnostic services or which
 3035 delivers nonsurgical human medical treatment, and which includes
 3036 an office maintained by a provider.

3037 13. A dentist or dental hygienist licensed under chapter
 3038 466.

3039 14. A free clinic that delivers only medical diagnostic
 3040 services or nonsurgical medical treatment free of charge to all
 3041 low-income recipients.

3042 15. Any other health care professional, practitioner,
 3043 provider, or facility under contract with a governmental
 3044 contractor, including a student enrolled in an accredited
 3045 program that prepares the student for licensure as any one of
 3046 the professionals listed in subparagraphs 4.-9.

3047
 3048 The term includes any nonprofit corporation qualified as exempt
 3049 from federal income taxation under s. 501(a) of the Internal
 3050 Revenue Code, and described in s. 501(c) of the Internal Revenue

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3051 Code, which delivers health care services provided by licensed
 3052 professionals listed in this paragraph, any federally funded
 3053 community health center, and any volunteer corporation or
 3054 volunteer health care provider that delivers health care
 3055 services.

3056 Section 80. Subsection (1) of section 766.1116, Florida
 3057 Statutes, is amended to read:

3058 766.1116 Health care practitioner; waiver of license
 3059 renewal fees and continuing education requirements.—

3060 (1) As used in this section, the term "health care
 3061 practitioner" means a physician or physician assistant licensed
 3062 under chapter 458; an osteopathic physician or physician
 3063 assistant licensed under chapter 459; a chiropractic physician
 3064 licensed under chapter 460; a podiatric physician licensed under
 3065 chapter 461; an advanced practice registered nurse ~~advanced~~
 3066 ~~registered nurse practitioner~~, registered nurse, or licensed
 3067 practical nurse licensed under part I of chapter 464; a dentist
 3068 or dental hygienist licensed under chapter 466; or a midwife
 3069 licensed under chapter 467, who participates as a health care
 3070 provider under s. 766.1115.

3071 Section 81. Paragraph (c) of subsection (1) of section
 3072 766.118, Florida Statutes, is amended to read:

3073 766.118 Determination of noneconomic damages.—

3074 (1) DEFINITIONS.—As used in this section, the term:

3075 (c) "Practitioner" means any person licensed under chapter

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3076 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter
 3077 463, chapter 466, chapter 467, ~~or~~ chapter 486 or ~~certified under~~
 3078 s. 464.012. "Practitioner" also means any association,
 3079 corporation, firm, partnership, or other business entity under
 3080 which such practitioner practices or any employee of such
 3081 practitioner or entity acting in the scope of his or her
 3082 employment. For the purpose of determining the limitations on
 3083 noneconomic damages set forth in this section, the term
 3084 "practitioner" includes any person or entity for whom a
 3085 practitioner is vicariously liable and any person or entity
 3086 whose liability is based solely on such person or entity being
 3087 vicariously liable for the actions of a practitioner.

3088 Section 82. Subsection (5) of section 794.08, Florida
 3089 Statutes, is amended to read:

3090 794.08 Female genital mutilation.—

3091 (5) This section does not apply to procedures performed by
 3092 or under the direction of a physician licensed under chapter
 3093 458, an osteopathic physician licensed under chapter 459, a
 3094 registered nurse licensed under part I of chapter 464, a
 3095 practical nurse licensed under part I of chapter 464, an
 3096 advanced practice registered nurse ~~advanced registered nurse~~
 3097 ~~practitioner~~ licensed under part I of chapter 464, a midwife
 3098 licensed under chapter 467, or a physician assistant licensed
 3099 under chapter 458 or chapter 459 when necessary to preserve the
 3100 physical health of a female person. This section also does not

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3101 apply to any autopsy or limited dissection conducted pursuant to
 3102 chapter 406.

3103 Section 83. Subsection (23) of section 893.02, Florida
 3104 Statutes, is amended to read:

3105 893.02 Definitions.—The following words and phrases as
 3106 used in this chapter shall have the following meanings, unless
 3107 the context otherwise requires:

3108 (23) "Practitioner" means a physician licensed under
 3109 chapter 458, a dentist licensed under chapter 466, a
 3110 veterinarian licensed under chapter 474, an osteopathic
 3111 physician licensed under chapter 459, an advanced practice
 3112 registered nurse licensed ~~advanced registered nurse practitioner~~
 3113 ~~certified~~ under chapter 464, a naturopath licensed under chapter
 3114 462, a certified optometrist licensed under chapter 463, a
 3115 psychiatric nurse as defined in s. 394.455, a podiatric
 3116 physician licensed under chapter 461, or a physician assistant
 3117 licensed under chapter 458 or chapter 459, provided such
 3118 practitioner holds a valid federal controlled substance registry
 3119 number.

3120 Section 84. Paragraph (b) of subsection (1) of section
 3121 893.05, Florida Statutes, is amended to read:

3122 893.05 Practitioners and persons administering controlled
 3123 substances in their absence.—

3124 (1)

3125 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.

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3126 464.012(3), as applicable, a practitioner who supervises a
 3127 licensed physician assistant or advanced practice registered
 3128 nurse ~~advanced registered nurse practitioner~~ may authorize the
 3129 licensed physician assistant or advanced practice registered
 3130 nurse ~~advanced registered nurse practitioner~~ to order controlled
 3131 substances for administration to a patient in a facility
 3132 licensed under chapter 395 or part II of chapter 400.

3133 Section 85. Subsection (6) of section 943.13, Florida
 3134 Statutes, is amended to read:

3135 943.13 Officers' minimum qualifications for employment or
 3136 appointment.—On or after October 1, 1984, any person employed or
 3137 appointed as a full-time, part-time, or auxiliary law
 3138 enforcement officer or correctional officer; on or after October
 3139 1, 1986, any person employed as a full-time, part-time, or
 3140 auxiliary correctional probation officer; and on or after
 3141 October 1, 1986, any person employed as a full-time, part-time,
 3142 or auxiliary correctional officer by a private entity under
 3143 contract to the Department of Corrections, to a county
 3144 commission, or to the Department of Management Services shall:

3145 (6) Have passed a physical examination by a licensed
 3146 physician, physician assistant, or licensed advanced practice
 3147 registered nurse ~~certified advanced registered nurse~~
 3148 ~~practitioner~~, based on specifications established by the
 3149 commission. In order to be eligible for the presumption set
 3150 forth in s. 112.18 while employed with an employing agency, a

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3151 law enforcement officer, correctional officer, or correctional
 3152 probation officer must have successfully passed the physical
 3153 examination required by this subsection upon entering into
 3154 service as a law enforcement officer, correctional officer, or
 3155 correctional probation officer with the employing agency, which
 3156 examination must have failed to reveal any evidence of
 3157 tuberculosis, heart disease, or hypertension. A law enforcement
 3158 officer, correctional officer, or correctional probation officer
 3159 may not use a physical examination from a former employing
 3160 agency for purposes of claiming the presumption set forth in s.
 3161 112.18 against the current employing agency.

3162 Section 86. Paragraph (n) of subsection (1) of section
 3163 948.03, Florida Statutes, is amended to read:

3164 948.03 Terms and conditions of probation.—

3165 (1) The court shall determine the terms and conditions of
 3166 probation. Conditions specified in this section do not require
 3167 oral pronouncement at the time of sentencing and may be
 3168 considered standard conditions of probation. These conditions
 3169 may include among them the following, that the probationer or
 3170 offender in community control shall:

3171 (n) Be prohibited from using intoxicants to excess or
 3172 possessing any drugs or narcotics unless prescribed by a
 3173 physician, an advanced practice registered nurse ~~advanced~~
 3174 ~~registered nurse practitioner~~, or a physician assistant. The
 3175 probationer or community controllee may not knowingly visit

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3176 | places where intoxicants, drugs, or other dangerous substances
 3177 | are unlawfully sold, dispensed, or used.

3178 | Section 87. Paragraph (i) of subsection (3) of section
 3179 | 1002.20, Florida Statutes, is amended to read:

3180 | 1002.20 K-12 student and parent rights.—Parents of public
 3181 | school students must receive accurate and timely information
 3182 | regarding their child's academic progress and must be informed
 3183 | of ways they can help their child to succeed in school. K-12
 3184 | students and their parents are afforded numerous statutory
 3185 | rights including, but not limited to, the following:

3186 | (3) HEALTH ISSUES.—

3187 | (i) Epinephrine use and supply.—

3188 | 1. A student who has experienced or is at risk for life-
 3189 | threatening allergic reactions may carry an epinephrine auto-
 3190 | injector and self-administer epinephrine by auto-injector while
 3191 | in school, participating in school-sponsored activities, or in
 3192 | transit to or from school or school-sponsored activities if the
 3193 | school has been provided with parental and physician
 3194 | authorization. The State Board of Education, in cooperation with
 3195 | the Department of Health, shall adopt rules for such use of
 3196 | epinephrine auto-injectors that shall include provisions to
 3197 | protect the safety of all students from the misuse or abuse of
 3198 | auto-injectors. A school district, county health department,
 3199 | public-private partner, and their employees and volunteers shall
 3200 | be indemnified by the parent of a student authorized to carry an

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3201 epinephrine auto-injector for any and all liability with respect
3202 to the student's use of an epinephrine auto-injector pursuant to
3203 this paragraph.

3204 2. A public school may purchase a supply of epinephrine
3205 auto-injectors from a wholesale distributor as defined in s.
3206 499.003 or may enter into an arrangement with a wholesale
3207 distributor or manufacturer as defined in s. 499.003 for the
3208 epinephrine auto-injectors at fair-market, free, or reduced
3209 prices for use in the event a student has an anaphylactic
3210 reaction. The epinephrine auto-injectors must be maintained in a
3211 secure location on the public school's premises. The
3212 participating school district shall adopt a protocol developed
3213 by a licensed physician for the administration by school
3214 personnel who are trained to recognize an anaphylactic reaction
3215 and to administer an epinephrine auto-injection. The supply of
3216 epinephrine auto-injectors may be provided to and used by a
3217 student authorized to self-administer epinephrine by auto-
3218 injector under subparagraph 1. or trained school personnel.

3219 3. The school district and its employees, agents, and the
3220 physician who provides the standing protocol for school
3221 epinephrine auto-injectors are not liable for any injury arising
3222 from the use of an epinephrine auto-injector administered by
3223 trained school personnel who follow the adopted protocol and
3224 whose professional opinion is that the student is having an
3225 anaphylactic reaction:

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3226 a. Unless the trained school personnel's action is willful
3227 and wanton;

3228 b. Notwithstanding that the parents or guardians of the
3229 student to whom the epinephrine is administered have not been
3230 provided notice or have not signed a statement acknowledging
3231 that the school district is not liable; and

3232 c. Regardless of whether authorization has been given by
3233 the student's parents or guardians or by the student's
3234 physician, physician's assistant, or advanced practice
3235 registered nurse ~~advanced registered nurse practitioner~~.

3236 Section 88. Paragraph (b) of subsection (17) of section
3237 1002.42, Florida Statutes, is amended to read:

3238 1002.42 Private schools.—

3239 (17) EPINEPHRINE SUPPLY.—

3240 (b) The private school and its employees, agents, and the
3241 physician who provides the standing protocol for school
3242 epinephrine auto-injectors are not liable for any injury arising
3243 from the use of an epinephrine auto-injector administered by
3244 trained school personnel who follow the adopted protocol and
3245 whose professional opinion is that the student is having an
3246 anaphylactic reaction:

3247 1. Unless the trained school personnel's action is willful
3248 and wanton;

3249 2. Notwithstanding that the parents or guardians of the
3250 student to whom the epinephrine is administered have not been

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3251 provided notice or have not signed a statement acknowledging
 3252 that the school district is not liable; and

3253 3. Regardless of whether authorization has been given by
 3254 the student's parents or guardians or by the student's
 3255 physician, physician's assistant, or advanced practice
 3256 registered nurse ~~advanced registered nurse practitioner~~.

3257 Section 89. Subsections (4) and (5) of section 1006.062,
 3258 Florida Statutes, are amended to read:

3259 1006.062 Administration of medication and provision of
 3260 medical services by district school board personnel.—

3261 (4) Nonmedical assistive personnel shall be allowed to
 3262 perform health-related services upon successful completion of
 3263 child-specific training by a registered nurse or advanced
 3264 practice registered nurse ~~advanced registered nurse practitioner~~
 3265 licensed under chapter 464, a physician licensed pursuant to
 3266 chapter 458 or chapter 459, or a physician assistant licensed
 3267 pursuant to chapter 458 or chapter 459. All procedures shall be
 3268 monitored periodically by a nurse, advanced practice registered
 3269 nurse ~~advanced registered nurse practitioner~~, physician
 3270 assistant, or physician, including, but not limited to:

- 3271 (a) Intermittent clean catheterization.
- 3272 (b) Gastrostomy tube feeding.
- 3273 (c) Monitoring blood glucose.
- 3274 (d) Administering emergency injectable medication.
- 3275 (5) For all other invasive medical services not listed in

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3276 | this subsection, a registered nurse or advanced practice
 3277 | registered nurse ~~advanced registered nurse practitioner~~ licensed
 3278 | under chapter 464, a physician licensed pursuant to chapter 458
 3279 | or chapter 459, or a physician assistant licensed pursuant to
 3280 | chapter 458 or chapter 459 shall determine if nonmedical
 3281 | district school board personnel shall be allowed to perform such
 3282 | service.

3283 | Section 90. Subsection (1) and paragraph (a) of subsection
 3284 | (2) of section 1009.65, Florida Statutes, are amended to read:

3285 | 1009.65 Medical Education Reimbursement and Loan Repayment
 3286 | Program.—

3287 | (1) To encourage qualified medical professionals to
 3288 | practice in underserved locations where there are shortages of
 3289 | such personnel, there is established the Medical Education
 3290 | Reimbursement and Loan Repayment Program. The function of the
 3291 | program is to make payments that offset loans and educational
 3292 | expenses incurred by students for studies leading to a medical
 3293 | or nursing degree, medical or nursing licensure, or advanced
 3294 | practice registered nurse licensure ~~advanced registered nurse~~
 3295 | ~~practitioner certification~~ or physician assistant licensure. The
 3296 | following licensed or certified health care professionals are
 3297 | eligible to participate in this program: medical doctors with
 3298 | primary care specialties, doctors of osteopathic medicine with
 3299 | primary care specialties, physician's assistants, licensed
 3300 | practical nurses and registered nurses, and advanced practice

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3301 registered nurses ~~advanced registered nurse practitioners~~ with
 3302 primary care specialties such as certified nurse midwives.
 3303 Primary care medical specialties for physicians include
 3304 obstetrics, gynecology, general and family practice, internal
 3305 medicine, pediatrics, and other specialties which may be
 3306 identified by the Department of Health.

3307 (2) From the funds available, the Department of Health
 3308 shall make payments to selected medical professionals as
 3309 follows:

3310 (a) Up to \$4,000 per year for licensed practical nurses
 3311 and registered nurses, up to \$10,000 per year for advanced
 3312 practice registered nurses ~~advanced registered nurse~~
 3313 ~~practitioners~~ and physician's assistants, and up to \$20,000 per
 3314 year for physicians. Penalties for noncompliance shall be the
 3315 same as those in the National Health Services Corps Loan
 3316 Repayment Program. Educational expenses include costs for
 3317 tuition, matriculation, registration, books, laboratory and
 3318 other fees, other educational costs, and reasonable living
 3319 expenses as determined by the Department of Health.

3320 Section 91. Subsection (2) of section 1009.66, Florida
 3321 Statutes, is amended to read:

3322 1009.66 Nursing Student Loan Forgiveness Program.—

3323 (2) To be eligible, a candidate must have graduated from
 3324 an accredited or approved nursing program and have received a
 3325 Florida license as a licensed practical nurse or a registered

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3326 nurse or a Florida license ~~certificate~~ as an advanced practice
 3327 registered nurse ~~advanced registered nurse practitioner~~.

3328 Section 92. Subsection (3) of section 1009.67, Florida
 3329 Statutes, is amended to read:

3330 1009.67 Nursing scholarship program.—

3331 (3) A scholarship may be awarded for no more than 2 years,
 3332 in an amount not to exceed \$8,000 per year. However, registered
 3333 nurses pursuing a graduate degree for a faculty position or to
 3334 practice as an advanced practice registered nurse ~~advanced~~
 3335 ~~registered nurse practitioner~~ may receive up to \$12,000 per
 3336 year. These amounts shall be adjusted by the amount of increase
 3337 or decrease in the Consumer Price Index for All Urban Consumers
 3338 published by the United States Department of Commerce.

3339 Section 93. Except as otherwise expressly provided in this
 3340 act, this act shall take effect October 1, 2018.