A bill to be entitled
An act relating to advanced practice registered nurses; amending s. 381.026, F.S.; revising the definition of the term "health care provider" to include an advanced practice registered nurse who is registered to engage in independent practice; amending s. 464.012, F.S.; requiring applicants for registration as an advanced practice registered nurse to apply to the Board of Nursing; authorizing an advanced practice registered nurse to sign, certify, stamp, verify, or endorse a document that requires the signature, certification, stamp, verification, affidavit, or endorsement of a physician within the framework of an established protocol; providing an exception; creating s. 464.0123, F.S.; defining the term "independent practice"; providing for the registration of an advanced practice registered nurse to engage in independent practice; providing registration requirements; authorizing such advanced practice registered nurses to perform specified acts without physician supervision or supervisory protocol; requiring the department to distinguish such advanced practice registered nurses' licenses and include the registration in their practitioner profiles; requiring biennial registration renewal and continuing
education; authorizing the Board of Nursing to
establish an advisory committee to determine the
medical acts that may be performed by such advanced
practice registered nurses; providing for appointment
and terms of committee members; requiring the board to
adopt rules; creating s. 464.0155, F.S.; requiring
advanced practice registered nurses who are registered
to engage in independent practice to report adverse
incidents to the Department of Health; providing
requirements for such reports; defining the term
"adverse incident"; providing for department review of
such reports; authorizing the department to take
disciplinary action; amending s. 464.018, F.S.;
providing additional grounds for denial of a license
or disciplinary action for advanced practice
registered nurses who are registered to engage in
independent practice; providing an effective date.

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

Section 1. Paragraph (c) of subsection (2) of section
381.026, Florida Statutes, is amended to read:
381.026 Florida Patient's Bill of Rights and
Responsibilities.—
(2) DEFINITIONS.—As used in this section and s. 381.0261,
the term:

(c) "Health care provider" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, or a podiatric physician licensed under chapter 461, or an advanced practice registered nurse registered under s. 464.0123.

Section 2. Subsections (1) and (3) of section 464.012, Florida Statutes, are amended to read:

464.012 Licensure of advanced practice registered nurses; fees; controlled substance prescribing.—

(1) Any nurse desiring to be licensed as an advanced practice registered nurse must apply to the board and submit proof that he or she holds a current license to practice professional nursing or holds an active multistate license to practice professional nursing pursuant to s. 464.0095 and that he or she meets one or more of the following requirements as determined by the board:

(a) Certification by an appropriate specialty board. Such certification is required for initial state licensure and any licensure renewal as a certified nurse midwife, certified nurse practitioner, certified registered nurse anesthetist, clinical nurse specialist, or psychiatric nurse. The board may by rule provide for provisional state licensure of certified registered nurse anesthetists, clinical nurse specialists, certified nurse practitioners, psychiatric nurses, and certified nurse midwives.
for a period of time determined to be appropriate for preparing for and passing the national certification examination.

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

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

2. For applicants graduating on or after October 1, 1998, graduation from a master's degree program is required for initial licensure as a certified nurse midwife who may perform the acts listed in paragraph (4)(c).

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

(3) An advanced practice registered nurse shall perform those functions authorized in this section within the framework of an established protocol that must be maintained on site at the location or locations at which an advanced practice registered nurse practices, unless the advanced practice
registered nurse is registered to engage in independent practice pursuant to s. 464.0123. In the case of multiple supervising physicians in the same group, an advanced practice registered nurse must enter into a supervisory protocol with at least one physician within the physician group practice. A practitioner currently licensed under chapter 458, chapter 459, or chapter 466 shall maintain supervision for directing the specific course of medical treatment. Within the established framework, an advanced practice registered nurse may:

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

(b) Initiate appropriate therapies for certain conditions.

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

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

(e) Order any medication for administration to a patient in a facility licensed under chapter 395 or part II of chapter 400, notwithstanding any provisions in chapter 465 or chapter 893.
(f) Sign, certify, stamp, verify, or endorse a document that requires the signature, certification, stamp, verification, affidavit, or endorsement of a physician. However, a supervisory physician may not delegate the authority to issue a documented approval to release a patient from a receiving facility or its contractor under s. 394.463(2)(f) to an advanced practice registered nurse.

Section 3. Section 464.0123, Florida Statutes, is created to read:

464.0123 Independent practice by an advanced practice registered nurse.—

(1) For purposes of this section, the term "independent practice" means advanced or specialized nursing practice by an advanced practice registered nurse who is not subject to supervision by a physician or a supervisory protocol.

(2) An advanced practice registered nurse may register with the board to have the authority to engage in independent practice upon demonstration to the board that he or she:

(a) Holds an active, unencumbered license to practice advanced or specialized nursing in this state.

(b) Has not been subject to any disciplinary action pursuant to s. 456.072 or s. 464.018, or any similar disciplinary action in any other jurisdiction of the United States, within the 5 years immediately preceding the registration request.
(c) Has completed, in any jurisdiction of the United States, at least 2,000 clinical practice hours or clinical instructional hours within the 5 years immediately preceding the registration request while practicing as an advanced practice registered nurse under the supervision of an allopathic or osteopathic physician who held an active, unencumbered license issued by another state, the District of Columbia, or a possession or territory of the United States during the period of such supervision; or

(d) Has completed a graduate-level course in pharmacology.

(3) The board may provide by rule additional requirements for an advanced practice registered nurse who is registered under this section when performing acts within his or her specialty pursuant to s. 464.012(4).

(4) The board shall register an advanced practice registered nurse who meets the qualifications in this section.

(5) The department shall conspicuously distinguish an advanced practice registered nurse's license if he or she is registered with the board under this section and include the registration in the advanced practice registered nurse's practitioner profile created under s. 456.041.

(6) An advanced practice registered nurse who is registered under this section may perform the general functions of an advanced practice registered nurse pursuant to s. 464.012(3), the acts within his or her specialty pursuant to s.
For a patient who requires the services of a health care facility, as defined in s. 408.032(8):

1. Admit the patient to the facility.
2. Manage the care received by the patient in the facility.
3. Discharge the patient from the facility, unless prohibited by federal law or rule.

Provide a signature, certification, stamp, verification, affidavit, or endorsement that is otherwise required by law to be provided by a physician.

An advanced practice registered nurse must biennially renew his or her registration under this section. The biennial renewal for registration shall coincide with the advanced practice registered nurse's biennial renewal period for advanced practice registered nurse licensure.

To renew his or her registration under this section, an advanced practice registered nurse must complete at least 10 hours of continuing education approved by the board in addition to completing the continuing education requirements established by board rule pursuant to s. 464.013. If the initial renewal period occurs before January 1, 2020, an advanced practice registered nurse who is registered under this section is not required to complete the continuing education requirement under this paragraph until the following biennial renewal period.
(8) The board may establish an advisory committee to make
evidence-based recommendations about medical acts that an
advanced practice registered nurse who is registered under this
section may perform. The committee must consist of three
advanced practice registered nurses licensed under this chapter,
appointed by the board; three physicians licensed under chapter
458 or chapter 459 who have professional experience with
advanced practice registered nurses, appointed by the Board of
Medicine; and the State Surgeon General or his or her designee.
Each committee member appointed by a board shall serve a term of
4 years, unless a shorter term is required to establish or
maintain staggered terms. The Board of Nursing shall act upon
the recommendations from the committee within 90 days after the
submission of such recommendations.

(9) The board may adopt rules as necessary to implement
this section.

Section 4. Section 464.0155, Florida Statutes, is created
to read:

464.0155 Reports of adverse incidents by advanced practice
registered nurses.—

(1) An advanced practice registered nurse who is
registered to engage in independent practice pursuant to s.
464.0123 must report an adverse incident to the department in
accordance with this section.

(2) The report must be in writing, sent to the department
by certified mail, and postmarked within 15 days after the
occurrence of the adverse incident if the adverse incident
occurs when the patient is at the office of the advanced
practice registered nurse. If the adverse incident occurs when
the patient is not at the office of the advanced practice
registered nurse, the report must be postmarked within 15 days
after the advanced practice registered nurse discovers, or
reasonably should have discovered, the occurrence of the adverse
incident.

(3) For purposes of this section, the term "adverse
incident" means any of the following events when it is
reasonable to believe that the event is attributable to the
prescription of a controlled substance regulated under chapter
893 or 21 U.S.C. s. 812 by the advanced practice registered
nurse:
   (a) A condition that requires the transfer of a patient to
       a hospital licensed under chapter 395.
   (b) Permanent physical injury to the patient.
   (c) Death of the patient.

(4) The department shall review each report of an adverse
incident and determine whether the adverse incident was
attributable to conduct by the advanced practice registered
nurse. Upon such a determination, the board may take
disciplinary action pursuant to s. 456.073.

Section 5. Paragraph (r) is added to subsection (1) of
section 464.018, Florida Statutes, to read:

464.018 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in ss. 456.072(2) and 464.0095:

(r) For an advanced practice registered nurse who is registered to engage in independent practice pursuant to s. 464.0123:

1. Paying or receiving any commission, bonus, kickback, or rebate from, or engaging in any split-fee arrangement in any form whatsoever with, a health care practitioner, organization, agency, or person, either directly or implicitly, for referring patients to providers of health care goods or services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. This subparagraph may not be construed to prevent an advanced practice registered nurse from receiving a fee for professional consultation services.

2. Exercising influence within a patient-advanced practice registered nurse relationship to engage a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her advanced practice registered nurse.
3. Making deceptive, untrue, or fraudulent representations in or related to, or employing a trick or scheme in, advanced or specialized nursing practice.

4. Soliciting patients, either personally or through an agent, by the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. As used in this subparagraph, the term "soliciting" means directly or implicitly requesting an immediate oral response from the recipient.

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

6. Exercising influence on the patient to exploit the patient for the financial gain of the advanced practice registered nurse or a third party, including, but not be limited to, the promoting or selling of services, goods, appliances, or drugs.

7. Performing professional services that have not been duly authorized by the patient, or his or her legal representative, except as provided in s. 766.103 or s. 768.13.
8. Performing any procedure or prescribing any therapy that, by the prevailing standards of advanced or specialized nursing practice in the community, would constitute experimentation on a human subject, without first obtaining full, informed, and written consent.

9. Delegating professional responsibilities to a person when the advanced practice registered nurse delegating such responsibilities knows or has reason to believe that such person is not qualified by training, experience, or licensure to perform such responsibilities.

10. Committing, or conspiring with another to commit, an act that would tend to coerce, intimidate, or preclude another advanced practice registered nurse from lawfully advertising his or her services.

11. Advertising or holding himself or herself out as having certification in a specialty that the advanced practice registered nurse has not received.

12. Failing to comply with the requirements of ss. 381.026 and 381.0261 related to providing patients with information about their rights and how to file a complaint.

13. Providing deceptive or fraudulent expert witness testimony related to advanced or specialized nursing practice.

Section 6. This act shall take effect July 1, 2019.