

By the Committee on Health Policy; and Senator Harrell

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1 A bill to be entitled
 2 An act relating to prohibited acts by health care
 3 practitioners; creating s. 456.0465, F.S.; specifying
 4 names and titles that licensed health care
 5 practitioners are prohibited from using under certain
 6 circumstances; requiring the Department of Health to
 7 issue an emergency cease and desist order for
 8 specified violations; providing exceptions; providing
 9 for service of the order; providing penalties;
 10 authorizing the department to adopt rules; providing
 11 an effective date.

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

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 15 Section 1. Section 456.0465, Florida Statutes, is created
 16 to read:

17 456.0465 Health care practitioners; prohibited actions.-

18 (1) (a) A health care practitioner licensed by the
 19 department may not use the name or title "physician," "surgeon,"
 20 "dentist," "medical doctor," "doctor of osteopathy," "doctor of
 21 dental medicine," "doctor of dental surgery," "M.D.," "D.M.D.,"
 22 "D.D.S.," "anesthesiologist," "cardiologist," "dermatologist,"
 23 "endocrinologist," "endodontist," "gastroenterologist," "general
 24 practitioner," "gynecologist," "hematologist," "hospitalist,"
 25 "internist," "interventional pain medicine physician,"
 26 "laryngologist," "nephrologist," "neurologist," "obstetrician,"
 27 "oncologist," "ophthalmologist," "oral and maxillofacial
 28 surgeon," "orthodontist," "orthopedic surgeon," "orthopedist,"
 29 "osteopath," "otologist," "otolaryngologist,"

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30 "otorhinolaryngologist," "pathologist," "pediatrician,"
31 "physiatrist," "pedodontist," "periodontist," "podiatrist,"
32 "primary care physician," "proctologist," "prosthodontist,"
33 "psychiatrist," "radiologist," "rheumatologist," "rhinologist,"
34 or "urologist," or any other words, letters, abbreviations, or
35 insignia indicating or implying that he or she is licensed or
36 authorized by chapter 458, chapter 459, chapter 461, or chapter
37 466 to practice as such, unless he or she is licensed and
38 authorized by one of those chapters, or is registered with the
39 appropriate board as an allopathic, osteopathic, or podiatric
40 physician or dentist pursuant to s. 456.47(4), to practice as
41 such.

42 (b) If the department finds that any licensed health care
43 practitioner has violated paragraph (a), the department shall
44 issue an emergency order to the practitioner to cease and desist
45 the use of such name, title, words, letters, abbreviations, or
46 insignia. The department shall send the emergency cease and
47 desist order to the practitioner by certified mail and email to
48 the practitioner's physical address and email address of record
49 with the department and to any other mailing address or email
50 address through which the department believes the person may be
51 reached.

52 (c) If the practitioner does not cease and desist his or
53 her actions in violation of paragraph (a) immediately upon
54 receipt of the emergency cease and desist order, the department
55 shall enter an order imposing one or more of the following
56 penalties until the practitioner complies with the cease and
57 desist order:

58 1. A citation and a daily fine.

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59 2. A reprimand or a letter of concern.

60 3. Suspension of license.

61 (d) Notwithstanding paragraphs (a)-(c):

62 1. A doctor of chiropractic medicine licensed under chapter
63 460, or a chiropractic physician registered with the board of
64 chiropractic medicine pursuant to s. 456.47(4), to practice as
65 such, may use the name or title "doctor of chiropractic
66 medicine" or "chiropractic physician."

67 2. A licensed chiropractic physician who has achieved
68 diplomate or fellow status from the American Board of
69 Chiropractic Specialties, American Chiropractic Board of Sports
70 Physicians, American College of Chiropractic Orthopedists,
71 American Chiropractic Neurology Board, International
72 Chiropractors Association, or International Chiropractic
73 Pediatric Association, or in a specific specialty or
74 subspecialty, may use, as appropriate for his or her diplomate
75 or fellow status, "chiropractic radiologist," "chiropractic
76 internist," "chiropractic neurologist," "chiropractic
77 orthopedist," or "chiropractic pediatrician," in addition to
78 other names or titles associated with such diplomate or fellow
79 status.

80 3. A licensed dentist who has achieved diplomate status or
81 board certification from the American Board of Dental Public
82 Health, the American Board of Endodontics, the American Board of
83 Oral and Maxillofacial Pathology, the American Board of Oral and
84 Maxillofacial Radiology, the American Board of Oral and
85 Maxillofacial Surgery, the American Board of Orthodontics, the
86 American Board of Pediatric Dentistry, the American Board of
87 Periodontology, the American Board of Prosthodontics, the

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88 American Board of Oral Implantology/Implant Dentistry, the
89 American Board of Oral Medicine, the American Board of Orofacial
90 Pain, the American Dental Board of Anesthesiology, or the
91 American Board of General Dentistry, in a specific specialty or
92 subspecialty, may use, as appropriate for his or her diplomate
93 status or board certification, the name or term "dental
94 anesthesiologist," "doctor of oral medicine," "dental oral and
95 maxillofacial radiologist," "dental orthodontic and dentofacial
96 orthopedist," or "dental oral and maxillofacial pathologist," in
97 addition to other names or titles associated with such diplomate
98 status or board certification.

99 (2) The department may adopt rules to implement this
100 section.

101 Section 2. This act shall take effect upon becoming a law.