

1 A bill to be entitled
2 An act relating to advanced practice registered
3 nurses; amending s. 381.026, F.S.; revising the
4 definition of the term "health care provider" to
5 include an advanced practice registered nurse who is
6 registered to engage in independent practice; amending
7 s. 464.012, F.S.; requiring applicants for
8 registration as an advanced practice registered nurse
9 to apply to the Board of Nursing; authorizing an
10 advanced practice registered nurse to sign, certify,
11 stamp, verify, or endorse a document that requires the
12 signature, certification, stamp, verification,
13 affidavit, or endorsement of a physician within the
14 framework of an established protocol; providing an
15 exception; creating s. 464.0123, F.S.; defining the
16 term "independent practice"; providing for the
17 registration of an advanced practice registered nurse
18 to engage in independent practice; providing
19 registration requirements; authorizing such advanced
20 practice registered nurses to perform specified acts
21 without physician supervision or supervisory protocol;
22 requiring the department to distinguish such advanced
23 practice registered nurses' licenses and include the
24 registration in their practitioner profiles; requiring
25 biennial registration renewal and continuing

26 education; authorizing the Board of Nursing to
27 establish an advisory committee to determine the acts
28 that may be performed by such advanced practice
29 registered nurses; providing for appointment and terms
30 of committee members; authorizing the board to adopt
31 rules; creating s. 464.0155, F.S.; requiring advanced
32 practice registered nurses who are registered to
33 engage in independent practice to report adverse
34 incidents to the Department of Health; providing
35 requirements for such reports; defining the term
36 "adverse incident"; providing for department review of
37 such reports; authorizing the department to take
38 disciplinary action; amending s. 464.018, F.S.;
39 providing additional grounds for denial of a license
40 or disciplinary action for advanced practice
41 registered nurses who are registered to engage in
42 independent practice; providing an effective date.

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

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46 Section 1. Paragraph (c) of subsection (2) of section
47 381.026, Florida Statutes, is amended to read:

48 381.026 Florida Patient's Bill of Rights and
49 Responsibilities.—

50 (2) DEFINITIONS.—As used in this section and s. 381.0261,

51 the term:

52 (c) "Health care provider" means a physician licensed
53 under chapter 458, an osteopathic physician licensed under
54 chapter 459, ~~or~~ a podiatric physician licensed under chapter
55 461, or an advanced practice registered nurse registered under
56 s. 464.0123.

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

59 464.012 Licensure of advanced practice registered nurses;
60 fees; controlled substance prescribing.—

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

68 (a) Certification by an appropriate specialty board. Such
69 certification is required for initial state licensure and any
70 licensure renewal as a certified nurse midwife, certified nurse
71 practitioner, certified registered nurse anesthetist, clinical
72 nurse specialist, or psychiatric nurse. The board may by rule
73 provide for provisional state licensure of certified registered
74 nurse anesthetists, clinical nurse specialists, certified nurse
75 practitioners, psychiatric nurses, and certified nurse midwives

76 | for a period of time determined to be appropriate for preparing
77 | for and passing the national certification examination.

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

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

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

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

96 | (3) An advanced practice registered nurse shall perform
97 | those functions authorized in this section within the framework
98 | of an established protocol that must be maintained on site at
99 | the location or locations at which an advanced practice
100 | registered nurse practices, unless the advanced practice

101 registered nurse is registered to engage in independent practice
102 pursuant to s. 464.0123. In the case of multiple supervising
103 physicians in the same group, an advanced practice registered
104 nurse must enter into a supervisory protocol with at least one
105 physician within the physician group practice. A practitioner
106 currently licensed under chapter 458, chapter 459, or chapter
107 466 shall maintain supervision for directing the specific course
108 of medical treatment. Within the established framework, an
109 advanced practice registered nurse may:

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

117 (b) Initiate appropriate therapies for certain conditions.

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

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

122 (e) Order any medication for administration to a patient
123 in a facility licensed under chapter 395 or part II of chapter
124 400, notwithstanding any provisions in chapter 465 or chapter
125 893.

126 (f) Sign, certify, stamp, verify, or endorse a document
127 that requires the signature, certification, stamp, verification,
128 affidavit, or endorsement of a physician. However, a supervisory
129 physician may not delegate the authority to issue a documented
130 approval to release a patient from a receiving facility or its
131 contractor under s. 394.463(2)(f) to an advanced practice
132 registered nurse.

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

135 464.0123 Independent practice by an advanced practice
136 registered nurse.-

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

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

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

146 (b) Has not been subject to any disciplinary action
147 pursuant to s. 456.072 or s. 464.018, or any similar
148 disciplinary action in any other jurisdiction of the United
149 States, within the 5 years immediately preceding the
150 registration request.

151 (c)1. Has completed, in any jurisdiction of the United
152 States, at least 2,000 clinical practice hours or clinical
153 instructional hours within the 5 years immediately preceding the
154 registration request while practicing as an advanced practice
155 registered nurse under the supervision of an allopathic or
156 osteopathic physician who held an active, unencumbered license
157 issued by another state, the District of Columbia, or a
158 possession or territory of the United States during the period
159 of such supervision; or

160 2. Has completed a graduate-level course in pharmacology.

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

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

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

173 (6) An advanced practice registered nurse who is
174 registered under this section may perform the general functions
175 of an advanced practice registered nurse pursuant to s.

176 464.012(3), the acts within his or her specialty pursuant to s.
 177 464.012(4), and the following:

178 (a) For a patient who requires the services of a health
 179 care facility, as defined in s. 408.032(8):

180 1. Admit the patient to the facility.

181 2. Manage the care received by the patient in the
 182 facility.

183 3. Discharge the patient from the facility, unless
 184 prohibited by federal law or rule.

185 (b) Provide a signature, certification, stamp,
 186 verification, affidavit, or endorsement that is otherwise
 187 required by law to be provided by a physician.

188 (7)(a) An advanced practice registered nurse must
 189 biennially renew his or her registration under this section. The
 190 biennial renewal for registration shall coincide with the
 191 advanced practice registered nurse's biennial renewal period for
 192 licensure.

193 (b) To renew his or her registration under this section,
 194 an advanced practice registered nurse must complete at least 10
 195 hours of continuing education approved by the board in addition
 196 to completing the continuing education requirements established
 197 by board rule pursuant to s. 464.013. If the initial renewal
 198 period occurs before January 1, 2021, an advanced practice
 199 registered nurse who is registered under this section is not
 200 required to complete the continuing education requirement under

201 this paragraph until the following biennial renewal period.

202 (8) The board may establish an advisory committee to make
 203 evidence-based recommendations about acts that an advanced
 204 practice registered nurse who is registered under this section
 205 may perform. The committee must consist of three advanced
 206 practice registered nurses licensed under this chapter,
 207 appointed by the board; three physicians licensed under chapter
 208 458 or chapter 459 who have professional experience with
 209 advanced practice registered nurses, appointed by the Board of
 210 Medicine; and the State Surgeon General or his or her designee.
 211 Each committee member appointed by a board shall serve a term of
 212 4 years, unless a shorter term is required to establish or
 213 maintain staggered terms. The Board of Nursing shall act upon
 214 the recommendations from the committee within 90 days after the
 215 submission of such recommendations.

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

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

220 464.0155 Reports of adverse incidents by advanced practice
 221 registered nurses.—

222 (1) An advanced practice registered nurse who is
 223 registered to engage in independent practice pursuant to s.
 224 464.0123 must report an adverse incident to the department in
 225 accordance with this section.

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

236 (3) For purposes of this section, the term "adverse
237 incident" means any of the following events when it is
238 reasonable to believe that the event is attributable to the
239 prescription of a controlled substance regulated under chapter
240 893 or 21 U.S.C. s. 812 by the advanced practice registered
241 nurse:

242 (a) Any condition that requires the transfer of a patient
243 to a hospital licensed under chapter 395.

244 (b) Permanent physical injury to the patient.

245 (c) Death of the patient.

246 (4) The department shall review each report of an adverse
247 incident and determine whether it potentially involved conduct
248 by the advanced practice registered nurse who may be subject to
249 disciplinary action, in which event s. 456.073 applies.
250 Disciplinary action, if any, shall be taken by the board.

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

253 464.018 Disciplinary actions.—

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

257 (r) For an advanced practice registered nurse who is
258 registered to engage in independent practice pursuant to s.
259 464.0123:

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

270 2. Exercising influence within a patient-advanced practice
271 registered nurse relationship to engage a patient in sexual
272 activity. A patient shall be presumed to be incapable of giving
273 free, full, and informed consent to sexual activity with his or
274 her advanced practice registered nurse.

275 3. Making deceptive, untrue, or fraudulent representations
276 in or related to, or employing a trick or scheme in, advanced or
277 specialized nursing practice.

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

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

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

297 7. Performing professional services that have not been
298 duly authorized by the patient, or his or her legal
299 representative, except as provided in s. 766.103 or s. 768.13.

300 8. Performing any procedure or prescribing any therapy
301 that, by the prevailing standards of advanced or specialized
302 nursing practice in the community, would constitute
303 experimentation on a human subject without first obtaining full,
304 informed, and written consent.

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

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

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

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

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

322 Section 6. This act shall take effect July 1, 2020.