

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

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1 Committee/Subcommittee hearing bill: Healthcare Regulation  
 2 Subcommittee

3 Representative Massullo offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 456.0651, Florida Statutes, is created  
 8 to read:

9 456.0651 Health care practitioner titles and  
 10 designations.—

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

12 (a) "Advertisement" means any printed, electronic, or oral  
 13 statement that:

14 1. Is communicated or disseminated to the general public.

15 2.a. Is intended to encourage a person to use a  
 16 practitioner's professional services or to promote those

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17 services or the practitioner in general; or

18 b. For commercial purposes, names a practitioner in  
19 connection with the practice, profession, or institution in  
20 which the practitioner is employed, volunteers, or provides  
21 health care services.

22 3. Is prepared, communicated, or disseminated under the  
23 control of the practitioner or with the practitioner's consent.

24 (b) "Educational degree" means the degree awarded to a  
25 practitioner by a college or university relating to the  
26 practitioner's profession or specialty designation which may be  
27 referenced in an advertisement by name or acronym.

28 (c) "Misleading, deceptive, or fraudulent representation"  
29 means any information that misrepresents or falsely describes a  
30 practitioner's profession, skills, training, expertise,  
31 educational degree, board certification, or licensure.

32 (d) "Practitioner" means a health care practitioner as  
33 defined in s. 456.001.

34 (e) "Profession" in addition to the meaning provided in s.  
35 456.001, also means the name or title of a practitioner's  
36 profession that is regulated by the department in the Division  
37 of Medical Quality Assurance and which is allowed to be used by  
38 an individual due to his or her license, license by endorsement,  
39 certification, or registration issued by a board or the  
40 department. The term does not include a practitioner's license  
41 or educational degree.

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42       (2) For purposes of this section and s. 456.065, in  
43 addition to the definition of "practice of medicine" in s.  
44 458.305 and the definition of "practice of osteopathic medicine"  
45 in s. 459.003, the practice of medicine or osteopathic medicine  
46 also includes attaching to one's name, either alone or in  
47 combination, or in connection with other words, any of the  
48 following titles or designations, if used in an advertisement or  
49 in a manner that constitutes a misleading, deceptive, or  
50 fraudulent representation:

51       (a) Doctor of medicine.

52       (b) M.D.

53       (c) Doctor of osteopathy.

54       (d) D.O.

55       (e) Physician.

56       (f) Emergency physician.

57       (g) Family physician.

58       (h) Interventional pain physician.

59       (i) Medical doctor.

60       (j) Osteopath.

61       (k) Osteopathic physician.

62       (l) Doctor of osteopathic medicine.

63       (m) Surgeon.

64       (n) Neurosurgeon.

65       (o) General surgeon.

66       (p) Resident physician.

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- 67 | (q) Medical resident.
- 68 | (r) Medical intern.
- 69 | (s) Anesthesiologist.
- 70 | (t) Cardiologist.
- 71 | (u) Dermatologist.
- 72 | (v) Endocrinologist.
- 73 | (w) Gastroenterologist.
- 74 | (x) Gynecologist.
- 75 | (y) Hematologist.
- 76 | (z) Hospitalist.
- 77 | (aa) Intensivist.
- 78 | (bb) Internist.
- 79 | (cc) Laryngologist.
- 80 | (dd) Nephrologist.
- 81 | (ee) Neurologist.
- 82 | (ff) Obstetrician.
- 83 | (gg) Oncologist.
- 84 | (hh) Ophthalmologist.
- 85 | (ii) Orthopedic surgeon.
- 86 | (jj) Orthopedist.
- 87 | (kk) Otologist.
- 88 | (ll) Otolaryngologist.
- 89 | (mm) Otorhinolaryngologist.
- 90 | (nn) Pathologist.
- 91 | (oo) Pediatrician.

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92 (pp) Primary care physician.

93 (qq) Proctologist.

94 (rr) Psychiatrist.

95 (ss) Radiologist.

96 (tt) Rheumatologist.

97 (uu) Rhinologist.

98 (vv) Urologist.

99 (3) Notwithstanding subsection (2):

100 (a) A licensed practitioner may use the name or title of  
101 his or her profession which is authorized under his or her  
102 practice act, and any corresponding designations or initials so  
103 authorized, to describe himself or herself and his or her  
104 practice.

105 (b) A licensed practitioner who has a specialty area of  
106 practice authorized under his or her practice act may use the  
107 following format to identify himself or herself or describe his  
108 or her practice: "... (name or title of the practitioner's  
109 profession)..., specializing in ... (name of the practitioner's  
110 specialty)...."

111 (c) A chiropractic physician licensed under chapter 460  
112 may use the titles "chiropractic physician," "doctor of  
113 chiropractic medicine," "chiropractic radiologist," and other  
114 titles, abbreviations, or designations authorized under his or  
115 her practice act or reflecting those chiropractic specialty  
116 areas in which the chiropractic physician has attained diplomate

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117 status as recognized by the American Chiropractic Association,  
118 the International Chiropractors Association, the International  
119 Academy of Clinical Neurology, or the International Chiropractic  
120 Pediatric Association.

121 (d) A podiatric physician licensed under chapter 461 may  
122 use the following titles and abbreviations as applicable to his  
123 or her license, specialty, and certification: "podiatric  
124 physician," "podiatric surgeon," "Fellow in the American College  
125 of Foot and Ankle Surgeons," and other titles or abbreviations  
126 authorized under his or her practice act.

127 (e) A dentist licensed under chapter 466 may use the  
128 following titles and abbreviations as applicable to his or her  
129 license, specialty, and certification: "doctor of medicine in  
130 dentistry," "doctor of dental medicine," "D.M.D.," "doctor of  
131 dental surgery," "D.D.S.," "oral surgeon," "maxillofacial  
132 surgeon," "oral and maxillofacial surgeon," "O.M.S.," "oral  
133 radiologist," "dental anesthesiologist," "oral pathologist," and  
134 other titles or abbreviations authorized under his or her  
135 practice act.

136 (f) An anesthesiologist assistant licensed under chapter  
137 458 or chapter 459 may use only the titles "anesthesiologist  
138 assistant" or "certified anesthesiologist assistant" and the  
139 abbreviation "C.A.A."

140 (g) An optometrist licensed under chapter 463 may use the  
141 following titles and abbreviations as applicable to his or her

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142 license, specialty, and certification: "doctor of optometry,"  
143 "optometric physician," and other titles or abbreviations  
144 authorized under his or her practice act.

145 Section 2. Paragraph (t) of subsection (1) of section  
146 456.072, Florida Statutes, is amended to read:

147 456.072 Grounds for discipline; penalties; enforcement.—

148 (1) The following acts shall constitute grounds for which  
149 the disciplinary actions specified in subsection (2) may be  
150 taken:

151 (t)1. A practitioner's failure, when treating or  
152 consulting with a patient, ~~Failing~~ to identify through ~~written~~  
153 notice, which may include the wearing of a name tag the  
154 practitioner's name and, ~~or orally to a patient~~ the profession,  
155 as defined in s. 456.0651, ~~type of license~~ under which the  
156 practitioner is practicing. The information on the name tag must  
157 be consistent with the specifications of s. 456.0651(2) such  
158 that it does not constitute the unlicensed practice of medicine  
159 or osteopathic medicine.

160 2. The failure of any advertisement for health care  
161 services naming the practitioner to ~~must~~ identify the  
162 profession, as defined in s. 456.0651, under which the  
163 practitioner is practicing and the practitioner's educational  
164 degree, as defined in s. 456.0651, in relation to the services  
165 featured in the advertisement ~~type of license the practitioner~~  
166 holds.

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167        3. Subparagraph 1. This paragraph does not apply to a  
168 practitioner while the practitioner is providing services in his  
169 or her own office that houses his or her practice or group  
170 practice. In such a case, in lieu of a name tag, the  
171 practitioner must prominently display a copy of his or her  
172 license in a conspicuous area of the practice so that it is  
173 easily visible to patients. The copy of the license must be no  
174 smaller than the original license. The practitioner must also  
175 verbally identify himself or herself to a new patient by name  
176 and identify the profession, as defined in s. 456.0651, under  
177 which the practitioner is practicing. Such verbal identification  
178 must be consistent with the specifications of s. 456.0651(2)  
179 such that it does not constitute the unlicensed practice of  
180 medicine or osteopathic medicine a facility licensed under  
181 chapter 394, chapter 395, chapter 400, or chapter 429.

182        4. Each board, or the department if where there is no  
183 board, shall is authorized by rule to determine how its  
184 practitioners must may comply with this paragraph disclosure  
185 requirement.

186        Section 3. This act shall take effect July 1, 2023.

187  
188  
189 -----  
190                    **T I T L E   A M E N D M E N T**

191        Remove everything before the enacting clause and insert:

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192                   A bill to be entitled  
193           An act relating to health care practitioner titles and  
194           designations; creating s. 456.0651, F.S.; defining  
195           terms; providing that, for specified purposes, the use  
196           of specified titles or designations in connection with  
197           one's name constitutes the practice of medicine or the  
198           practice of osteopathic medicine; providing  
199           exceptions; amending s. 456.072, F.S.; revising  
200           grounds for disciplinary action relating to a  
201           practitioner's use of such titles or designations in  
202           identifying himself or herself to patients or in  
203           advertisements for health care services; revising  
204           applicability; requiring certain health care  
205           practitioners to prominently display copies of their  
206           licenses in a conspicuous area of their practices;  
207           requiring that the copy of the license be a specified  
208           size; requiring such health care practitioners to also  
209           verbally identify themselves in a specified manner to  
210           new patients; requiring, rather than authorizing,  
211           certain boards, or the Department of Health if there  
212           is no board, to adopt certain rules; providing an  
213           effective date.